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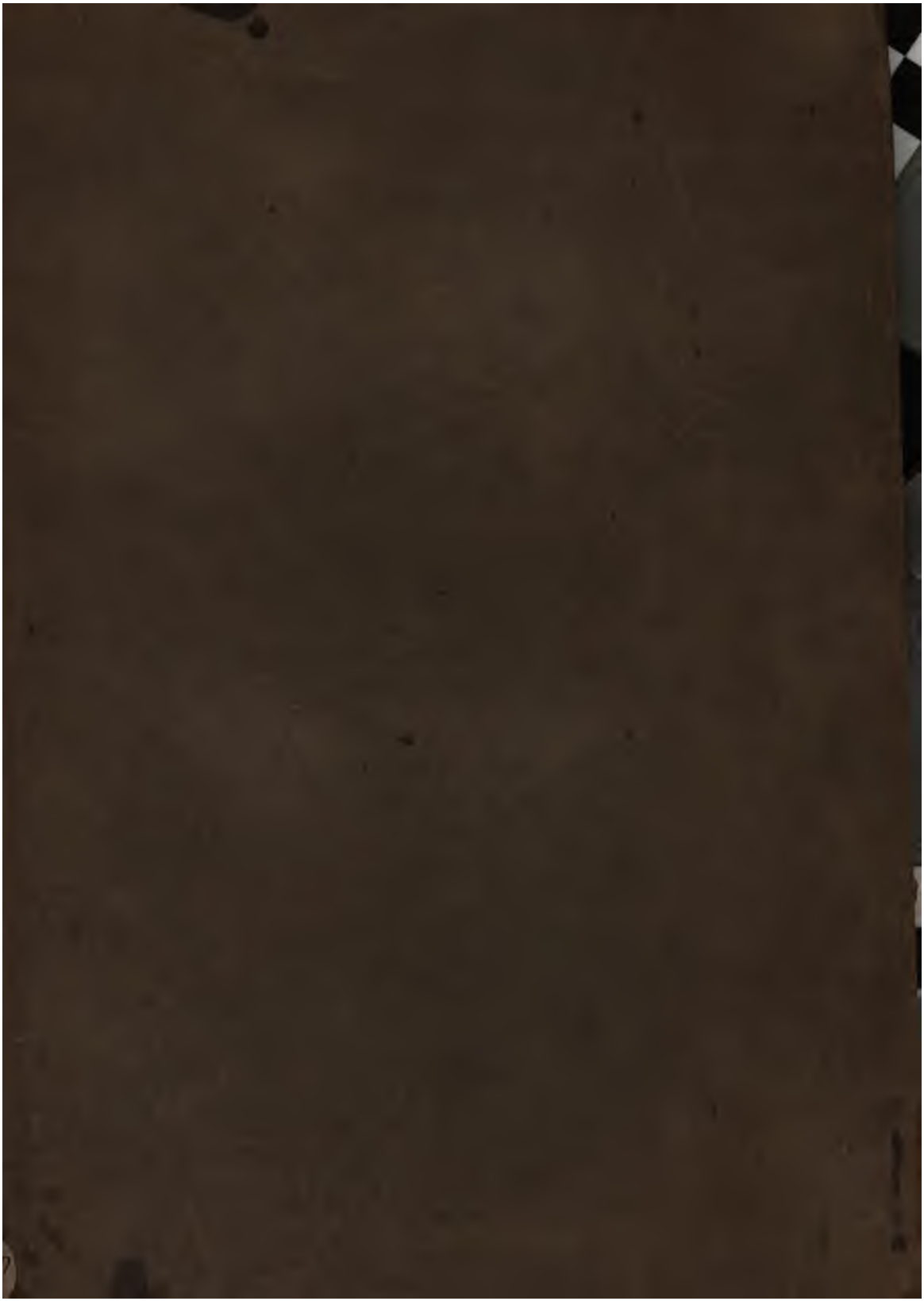

MEMOIRS

OF

ARCHIBALD,

First LORD NAPIER:

WRITTEN BY HIMSELF.

MEMOIRS

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FIRST LORD NAPIER:

WRITTEN BY HIMSELF.

PUBLISHED FROM THE

ORIGINAL MANUSCRIPT,

IN THE

POSSESSION OF THE PRESENT

LORD NAPIER.

EDINBURGH:

1793.

210. n. 352.

TO

ANDREW PLUMMER

OF MIDDLESTEAD,

ESQUIRE, ADVOCATE,

SHERIFF-DEPUTE OF THE COUNTY OF SELKIRK,

THE FOLLOWING MEMOIRS ARE INSCRIBED,

AS A MARK OF THE ESTEEM OF HIS

MOST OBEDIENT SERVANT,

NAPIER.

WILTON LODGE,
MARCH 1793.

TO THE READER.

ARCHIBALD, the firſt LORD NAPIER, was the only ſon of John Napier of Merchiſtoun, Inventor of the Logarithms, by his firſt wife, Eliſabeth, daughter of Sir James Stirling of Keir. He was appointed, Treaſurer Depute of Scotland, one of the Senators of the College of Juſtice, and Lord Juſtice Clerk, by King James VI. His Commiſſion, as Treaſurer Depute, being for life, he remained in that office, after the Acceſſion of King Charles I. till he reſigned it, in favour of the Earl of Traquair, as mentioned in his Memoirs. King Charles I. continued him as an Extraordinary Lord of Seſſion, created him a Baronet, and at length was graciouſly pleaſed to raiſe him

to

to the dignity of a Peer, by the title of LORD NAPIER of Merchiſtoun, by patent, dated 4th May 1627. His Lordſhip married Lady Margaret Grahame, daughter of John, fourth Earl of Montroſe, and ſiſter of the Great Marquis of Montroſe. Lord Napier died at Fincaſtle, in Atholl, where he had retired after the defeat of Montroſe's army at Philiphaugh, (in which action he was preſent), *anno* 1645, being then upwards of ſeventy years old. He was ſteadily attached to the intereſts of King Charles I. for which reaſon he and his family were particularly perſecuted by the Covenanters.

A

TRVE RELATION

OF

THE INJUST PERSUTE AGAINST

THE LORD NAPIER,

WRITTEN BY HIMSELFE.

THE principall cauſe, that moved me to attempt this Relation, wes, thankfullnes to All-mighty God, of whoſe ſpeciall care and protection, in my Troubles, I had ſufficient proofe: for I eſteeme the concealing of a Benefit, even amongſt men, a high degree of ingratitude. Next, charity to the Reader, who may heerby informe himſelfe of the ſtate of theſe tymes, and receave direction, how to behave himſelfe in the like and like occaſions. And if he ſhall, by my exemple, in his Troubles, have recourſe to God, who, for cauſes knowne to him, hath ſent them,

(for Affliction ryſes not out of the Duſt) and with humble heart ſubmit himſelfe and his effaires to him, not truſting in the arme of Fleſh, hee ſhall give him theſe conquering vertues, Wiſdome, Courage, and Patience, to bring them to a better iſſue then in reaſon he could expect: and in the midſt of his Troubles without, hee ſhall find the peace and favour of God within, which ſhall not only droune all ſenſe of his Afflictions, but ſhall fill his mynd with inexpreſſible joy. But that I may not aſſume to myſelfe more then is due, I confeſſe ingenuouſly, that, this Thankfulnes towards God, and Charity towards men, wes in my mynd, lyk a Spunk of Fyre among a heape of aſhes, which had never gevin light, if it had not beene blowne be the earneſt intreaties and perſuaſions of my Friends, who (well knowing the illegall, injuſt, and violent proceedings againſt me, my want of powerfull Friends, the ſtrong combination of moſt men of place, and power, followed by others, whoſe manner is to humour Greatnes in every thing, and, lyke Dogs, to fly on him that is moſt diſtreſſed) were, in a manner, aſtoniſhed at my delivery; and, admiring the ſucceſſe it pleaſed God to grant, could not

not reſt ſatisfyed, without a particular Relation of all theſe Paſſages, which, being ane expreſſion of thankfullnes towards God, ought to bee in the manner moſt acceptable to his divine Ma^tie, to wit, true, ſincere, without paſſion, or partiall affection, and without arrogating any part to my ſufficiency; and being for the benefit of the Reader, ought to bee in a plaine and eaſy ſtyle, to informe him, rather then to delight him.

AFTER I had left the Schooles, I addreſſed my ſelfe to the ſervice of King JAMES of bleſſed memory, and wes gratiouſly receaved by him: and after the death of Queene ELISABETH I followed his Ma: into England, when he went to receave the Crowne of that Kingdome. I ſerved him there as Gentleman of his Privy-chamber, the ſpace of ſixteen or ſeventeen yeares, or thereabout, continually, till his Ma: wes pleaſed to caſt the Earle of Summerſet out of his favour, and take in his place George Viliers, afterwards Duk of Buckinghame, a powerfull Favorite, and no good Friend of myne, becauſe I, with ſome of our Countrey-men endeavoured to ſupport Somerſet, which, in his conſtruction,

conſtruction, wes ane oppoſing of his ryſing. Therefore I (being before much deſyred thereto by my worthy Father) took this occaſion to repaire to Scotland, and expect the event of things: wherewith I did acquaint the King, and deſyred his leave, which he granted; but not before he made his Favorite (againſt his mynd, I think) to give me large promiſes of friendſhip, and faire bloſſomes of proteſtations and complement, which never bore fruit. Some yeares after Sir Gideon Murray Deputy Theſaurer to his Ma: dyed; and the King (knowing every mans Friends in his Bed-chamber) ſaid in the preſence of myne, that he had found a meane to employ me, whereof I being advertiſed came vp to his Ma:, who commanded me to attend his tyme and pleaſure heirin. But the Earle of Mar Theſaurer principall (who could not well brooke a Colleg) by means of the Duk of Buckingham, got the tryall of the place ſolely for a yeare. But before that yeare expyred, the effaires of Court, (which are never long ſtable) took another ply, and the ſame men, who, vpon promiſes made be the Theſaurer, did befriend him in this buſſines, being diſapoynted of the hopes hee gave them,

them, were they who joyned with his enemyes to put vpon him a Deputy. To the firſt motion of a Deputy his Ma: gave conſent, as being vſuall, and from which his Ma: wes diverted the yeare before by the power his Favorite had with him: for it wes his manner to give way to ſtrong oppoſition, or his Favorites intreaties; yet never to give over his purpoſe, but at another tyme to worke it by the meanes of a contrary Faction, to free and diſcharge himſelfe of the others diſcontentment vpon the faction. The Kings conſent once being got, every man who had power putt in for his Friend without reſpect of his ſufficiency or ability: but no man could bee propoſed, againſt whom his Ma; did not take ſome exception; which being perceaved by the late Marquis of Hammilton, a wyſe Nobleman, in whom there wes no vertue wanting befitting his place and quality, and judging that the King had made ſome ſecret election in his owne mynd, deſyred to know who it wes. His Ma: having named me, the Marquis did not only approve his Ma: judgement, but alſo procured a warrand for my admiſſion, wiſely covering thereby the repulſe he got for his friend, and preventing

the prevailing of any competitor, not only made it ſeeme that hee had obtained his deſyre, and a poynt of revenge vpon my Lord of Mar, but alſo made purchaſe of me for a faithfull friend and ſervant. for although from the Kings owne mouth (who knew the cuſtome of the Court, and could never endure to be robbed of his thanks) the whole carriage of that buſſines wes delivered vnto me, together with a command to me to ſerve him faithfully, not to be factious, nor to comply with any to his prejudice, or the Countreyes, or to wrong any privat man for favour of another. Not the les I diſſembled my knowledge, and profeſſed my obligation to the Marquis, which indeed wes greater then I could challenge at his hand for any deſerving of myne, whereby I had him my noble Friend all the dayes of his lyfe. This act of the Kings without my knowledge, without my ſute, or any friends of myne, and in my abſence, being ſingular (for although no living man had the art to know men more perfectly then hee, yet ſtill importunity prevailed with him againſt his own choyſe) made me enter into ſerious conſideration of the mater, and to ſet downe to my ſelfe rules and reſolutions of honeſt

neſt proceeding in the diſchairge of that place. Firſt, becauſe wee are commanded to ſerve our Maſters faithfully, and for conſcience ſake, Next, becauſe in my nature I hate the imputation of diſhoneſty, avarice, and injuſtice. Thridly, not to make his Ma: aſhamed of the choyce, which wes only his owne. And laſtly, I thought it no ſafe way for me who wes borne to ane eſtate, by baſe ſcraping, purloyning, and bribery, to endanger it: what I got by his Ma: bounty, vpon conſideration of good ſervice, would doe me (I thought) and my houſe good. Armed with this reſolution I entred that ſervice, and my behaviour therein wes according thereto, whereby his Ma: wes well ſatisfyed, and if it had pleaſed God to grant him longer lyfe, I had not (in all probability) beene diſapoynted of my hopes, for of his good opinion and purpoſe toward me there are yet living witneſſes: and a litle before his Death he recommended me, (I being then in Scotland) to his Sonne King CHARLES, as his Ma: himſelfe wes pleaſed to tell me, then which, a greater teſtimony, of a gratious Maſters favour, to ane abſent Servant, at ſuch a tyme, could not bee expreſt.

The

The firſt thing I intended after my admiſſion wes the fewing of Orknay and Zetland to the inhabitants, that his Ma: rent might be encreaſed and made certaine, a good ſowme of money levied for fynes, and the people fred from the cruell exactions, concuſſions, and pittiful oppreſſion of Leaſſies, who thought it lawfull for them to make there beſt advantage paying the rent of there Leaſe; neither wanted they power, for they were Sherifs; and they had not only ſet to them the rents and caſualties of the Countrey, but forfeitures and vnlawes of Courts, whereof they were the ſole Judges. His Ma: gave me commiſſion for that effect, with a power to tranſact with Sir Johne Buchannan the preſent Leaſſy, and to content him either with a ſoume of money for ſome two yeares of his leaſe to runne, or, if the Feaw might ſubſiſt in law with the leaſe, to feaw the land, and reſerve the leaſe for the yeares to run, but he would in no ſort deale, being borne vp be theſe who ſet the leaſe to him, fearing that thereby there litle care in the Kings effaires, and eſpecially in ſetting of this leaſe to Sir Johne, to whom he wes not cloſe handed, ſhould appear. Wherevpon the Kings juſt diſpleaſure wes kindled againſt him,

him, yet ſuch wes his juſtice and goodnes, as it proceeded no further, then a command to me to let him enjoy the yeares of his leaſe, becauſe that wes juſt, but if any matter of favour to him come in my way, to ſtop it, becauſe his Ma: wes not obliged (he ſaid) to that. In this, and all other things I intended in the Kings ſervice, my Lord Theſaurer ſtill oppoſed me, out of a conceat, which ſtill he entertained, that I wes thruſt vpon him be the Marquis of Hammilton, his enemy, although from his Ma: ſelfe he wes otherwyſe aſſured. Not the les we ſerved together in that ſervice with reaſonable correſpondence ſo long as King JAMES lived. But he being dead, and his ſonne King CHARLES ſucceeding to him in his kingdome, and to his vertues too, although with ſome want of experience, which is only got with tyme, all the turbulent and diſcontented humors of the former tyme were vp (as is vſuall in theſe great tranſitions) and plyed his Ma: vnceſſantly with accuſations, perſonall aſperſions, new projects, and informations of abuſes. And truely there wanted not matter, and there endeavors had deſerved praiſe, if ſplene to the perſons of men, and there own privat intereſt had not gevin

lyfe and motion to there proceedings, rather then the ſervice of the King, and the good of the ſtate. Then wes there nothing but factions, and factious conſultations of the one, to hold that place and power they poſſeſt before, of the other, to wreſt it out of there hands, and to inveſt themſelves. And no dreame or fantaſy of innovation came in any bodies head, but preſently he durſt vent it to the King, and ſtill the moſt ignorant were boldeſt. Neither wanted there ſome honeſt and wyſemen who gave there advyſe out of mere affection to his Ma: and the Publique, but wanting that hold forwardnes and factious aſſiſtance which the other had in proſecution of there privat ends, no great hold wes taken of them. The Theſaurer wes not free from this ſtorme, but was charg'd home by his enemies with ſome abuſes in the Kings preſence, which they were not well able to make appeare. Therefore there wes a Gentleman direct to me, deſyring me to give them intelligence vpon what poynts my Lord might bee charged, with aſſurance from them that it ſhould never bee knowne, and before I ſhould declare any thing in that kynd, I ſhould have aſſurance from the Kings owne mouth,

mouth, and my Lord of Buckingham of the whyte ſtaffe. This I flatly refuſed, as ane office vnworthy of a Gentleman, and told him that I diſdained any honour that ſhould be acquyred by ſo diſhonorable meanes againſt a man that wes in termes of outward friendſhip with me, although I knew hee had no friendly intentions toward me. but I wes evill requited, and it may be, becauſe this motion made to me, and my refuſe, came never to his eares.

The buſſines of Tythes, amongſt others, wes moſt conſtantly proſecuted by his Ma:, a purpoſe of his Fathers, or his owne, who, finding the heavy oppreſſion of teyndmaſters, and the ſervitude of the people, did earneſtly endeavour to remed it. But in this, as in other matters, what truely might be ſaid to be his (which were his intentions only) wes moſt juſt and princely: but the meanes (which were other mens inventions) were moſt vnfit to compaſſe his ends, but fit enough to ſerve there turnes that found there privat prejudice, to rander the buſſines intricat, longſome, and difficult vpon hope his Ma: would relinquiſh the ſame. Neither wes this forme of proceeding diſpleaſing to ſome moſt entruſted, for by the difficulty they did endeare

endeare there Services, and in the meane tyme giving his Ma: hopes of great matters, they drew from his preſent and certaine benefites above the proportion of there merit, or of his Ma: ability heir. Of the Commiſſion of the Tythes I had the honor to be one, and according to my duety and power did advance his Ma: juſt and gratious purpoſe. This, and my integrity in the Kings fathers tyme, together with the title of Lord (his Ma: firſt favour in that kynd to a Scottiſh-man) and a Leaſe of Orknay beſtowed vpon me, did ſo much offend the cheefe States-men, who were the greateſt teynd-maſters alſo, and (be a great incongruity members of this Commiſſion, that in there private meetings they concluded my overthrow, whereof I got privat intelligence, but did no whit ſwerve from my duety for that. They ſet on Mr David Fullarton, a Receaver, a young man of litle wit, to diſperſe calumnyes againſt me in the Court, to try how they would be receaved or ſeconded, whom I brought before the King, in preſence of the Lords of Exchequer, and whoſe anſweres were ſo poore and excuſes ſo frivolous, as made even thoſe preſent who ſet him on to be aſhamed. About that tyme

his

his Ma: intended a journey into Scotland, but no money being in his coffers there, Chancellor Hay made offer of ten thouſand pound ſterling for his Ma: entertainment during the tyme of his aboad there, vpon condition he might have the collection of the taxation, at which he ever aimed moſt earneſtly for the hid profit that wes therein, eſpecially the extraordinary, ane impoſition of his owne invention. This galled Monteth, Nithiſdale, and that faction, who left no meanes vnattempted to croſſe the ſame, but it wes ſtill intertained, no other appearing to offer a better expedient. They dealt earneſtly with me to make offer of money, and promiſed to concurre for the levying, alleadging the Theſaurers indignity and myne, if another ſhould doe that which belonged to our place. Litle did there ſpeaches move me, who knew there ends, and there promiſes leſſe, aſſuring my ſelfe, that whoever advanced the money, the Theſaurer and I wes to ſee it ſpent, and to order the entertainment, and eſteeming the Chancellors advancing of money no greater indignity to vs, then if it were done be a merchant, I never ſtird till I vnderſtood elſe where, that the Chancellor had ſent to Scotland for

Sir James Baillie, and that there purpoſe wes the one by advancing money, the other by making proviſions to thruſt my Lord Theſaurer and me out of all employment, and conſidering the avarice of the one, and the ambition of the other, I wes confident of my intelligence. Then ſuffred I my ſelfe to be perſuaded by Monteith and Nithiſdale and the reſt, and made offer to his Ma: of ſo much as ſhould ſerve him during his abod in Scotland, telling that I did beleive the Lord Theſaurer would do the lyke, without other condition then aſſurance of repayment, leaving the reſt to his Ma: good pleaſure. He tooke my offer in very good part, commanding me to repair to him within two dayes for anſwere: which I did. Then he told me, he would employ all the States-men (of whom I wes one) to take vp the money, giving them aſſurance vpon his rents and taxations. I did much commend his Ma: purpoſe, and wes glad of it, for thereby I wes fred from the hazard of advancement of ſo great a ſoume, and the rights of our place wes not in the courſe to be empared. To this effect his Ma: ſent letters to the Officiars of Eſtate who were in Scotland: this delay together with the advyſe of the Lords

Engliſh

Engliſh and Scottiſh did put off his journey till the next Spring; and he went a progreſſe; and I tooke my leave for Scotland. But whill his Ma: wes at Beaulien, the anſwere of his letter came vp, not only refuſing his deſyre, but advyſing him to call a Convention, and impoſe (I vſe there very words) a taxation: and if his Ma: would needs have them leavy money, they thought it reaſonable that every man, having warrands, fees, or penſions out of the Exchequer (who indeed for the moſt part are poore, and have no other meanes to live) ſhould bind with them for the money. At which his Ma: wes much offended as he had good reaſon, and did ſuſpect that they had no mynd to ſee him there. At this tyme, Archibald Campbell being at Court wes told of the letter be the Secretary, who aſked him, where I was, and if I would yet vndertake to furniſh the King money for his journey. He anſuered that I wes ſtill in London, and wes aſſured, that I would doe any thing I wes able for the Kings ſervice. This being reported to the King, Archibald Campbell wes preſenty diſpatched away with a letter for me. When I came his Ma: told me that he receaved a moſt ſhamefull refuſall, and aſked me

what

what I would doe for him. Nothing Sir (ſaid I) les then I am able, and if my friends who are to engage themſelves for me. ſhall ſee a ſure way of releife, if ye want money, ye ſhall blame me, but I will deſyre your Ma: to give commiſſion to your Officiars to order your entertainment, and if things be not orderly done, let your Ma: blame them, for I cannot take that vpon me. then his Ma: to that effect appoynted a Commiſſion, and willed me to devyſe my owne ſurety, and commanded the Secretary to draw vp what warrands I pleaſed for the ſame. I aſked the Secretary what courſe wes to be taken with the Lord Theſaurer, who I thought wes not to be neglected, but he anſwered, that the Lord Theſaurers hand wes at the letter of refuſall, and therefore will take it ill, if wee ſhall draw down vpon him a burthen which he is not willing to vndergo, and may hurt his houſe if he dye, being now ane old Man. But I, knowing his humor, and to teſtify the reſpect I ought him, with the Secretary procured a letter from his Ma: to him, putting the accepting or refuſing in his owne choyce. But it wes drawne vp by the Secretary, to whom I entruſted it as belonging to him, with words derogatory

(as

(as he alleadged) to his honor, of ſet purpoſe to put vs together by the eares: for ſo long as the Theſaurers principall and Deputy did concurre to the Kings ſervice, he well knew, that his doings, to the Kings prejudice and his owne gaine, would not have ſo faire way. Thes warrants being ſigned, I went about the furniſing of ſuch things, as could not be conveniently had in Scotland, ſpecially the banqueting ſtuffe, for which I agreed with Robert Walthew Sergeant of the Kings confectionary at ordinary rates for ready money, not daring to truſt any other with that which wes for the Kings owne mouth: and at Archibald Campbells deſyre did offer the employment vnder me to Sir James Baily, of whom (becauſe I ſhall have often occaſion to name him) I ſhall once for all give this Character. He wes baſely borne, and had his education vnder a Butcher, the height of his ability wes to be clark of a kitchin, extremly ambitious, and to attaine his ends would give largely of that, which he had got indirectly. This man did refuſe it, knowing be long experience, that hardly ſhould he make vnlawfull benefit where I wes to looke to him, pretending diſability, and a deſyre to retire from

publick ſervices; whereby I conjectured that he had ſome wicked purpoſes, as indeed he had, for within two dayes after, he went to Scotland, poſſeſt the Lord Theſaurer that I went about to take his place from him, and perceaving the Officiars of Eſtate to be ſo offended with me for daring to vndertake what they had refuſed, that they reſolved not to give way to any warrand I ſhould bring downe, conceaving hopes that be there meanes I might be diſplaced, and himſelfe ſucceed: of which place he wes diſapoynted after the death of Sir Gideon Murray, who made him his boſome friend, and tooke him in his company to England (being vnder him a Receaver) when his Enemies did accuſe him. But he, vpon hopes given him of Sir Gideons place, gave his enemies aime vpon what poynts to charge him, but being put by then, wes more eager now. The Lord Theſaurer, at my coming home, did quarrell the letter, wherein were theſe words, that if he pleas'd he might joyne with me, of purpoſe inſert malitiouſly by the Secretary. All my warrands were refuſed, and letters ſent vp extolling my Lord Theſaurers care and readines in the Kings ſervice, and to excuſe his ſubſcribing of the letter wherein

wherein they refuſed the Kings demand, this pretty diſtinction wes found out; that he had ſubſcribed that letter as ane officiar of eſtate amongſt the reſt, but as Theſaurer he wes moſt willing to vndertake the ſervice. Beſide, he wanted not Sr James Bailyes encouragement, and aſſurance of money to performe the ſervice, and indeed he wes rich, and the better ſtored for a late employment of buying and furniſhing of Ships, and a collection of a taxation put vpon him by theſe who were ſharers in the gaine, but his compts could never be receaved nor allowed till he wes forced to put the Chancellor in poſſeſſion of the collection of the remainder of that taxation, (for he had a purpoſe to get the collections of all taxations to come annexed to his place) and then Sr James got leave to enjoy the prey. My warrands being refuſed I reſolved to gce vp to ſhow his Ma: what rubs his ſervice had got in my perſon, that his ſervice might not be diſapoynted, but that he might remove theſe, or take ſome other courſe in due tyme. In my way I met Archibald Campbell coming home hard by Sr James Bailyes hous, and be accident alſo rancountred my Lord of Roxburgh, they all, eſpecially Sr James,

James, (for as yet he walked in clouds) were earneſt with me to ſtay in Cobbrands-path till Archibald Campbell might ſpeake with the treaſurer. who wes confident to remove all miſtakings, I wes as confident his endeavours would take no effect, yet to ſhow my willingnes to take any courſe which were reaſonable, that his Ma: ſervice might go on, promiſed to ſtay. Some eight dayes after he came, and brought with him the draught of a letter, which if I would wreat to his Ma: there ſhould be perfect agreement. The letter, after ſome recitall of the Theſaurers care, and expences beſtowed on reparation of the kings houſes, &c. contained theſe words, For which cauſe I humbly beſeech your Ma: that the warrands your Ma: delivered me for following of this ſervice may be reformed, and the Earle of Mars name as your principall Officiar inſert thereintill, and for my part I as Theſaurer Deput ſhall be ready to aſſiſt him. When I pervſed this draught, I conceaved it to be no other, then ane abandoning of the Kings ſervice by my owne ſute who had accepted it. And therefore after theſe words, his name as cheife Officiar to be inſert thereinto, I added, and myne as deputy joyntly with

with his; ſo after this manner I wes content to wreat. This not giving ſatisfaction, they perſuaded me to goe to Tuninghame to the Earle of Hadington, who vndoubtedly would find out a temper of words to pleaſe vs both. Where when I came, he went about to perſuade me to expunge theſe words (myne joyntly with his) as of no importance; but I vnderſtood the importance of them, and there intentions too: for certainly if any ſuch letter had been ſent by me, they would have vſed it as ane argument of my vnworthines of that employment, who had ſo baſely gevin it over. Hadington then perſuaded me to goe to Alloway to my Lord of Mar, aſſuring me that we would agree well enough betwixt our ſelves, deſyring Archibald Campbell, Sr James Baily; and Archibald Primroſe to go thither to aſſiſt the agreement. to this I yeelded alſo. When we came, Archibald Campbell, and I being alone with him, he called in Sr James Baily and Archibald Primroſe only, there being preſent ſundry of his wyſe and well affected Friends, which I tooke for no good token of agreement, they being intereſſed. Sir James, who wes aſſured of the employment and profit thereby under the Theſaurer, wes

loath I ſhould ſurvey his doings. And Archibald Primroſe, knowing that I muſt have a hand in the taxation, wes loath I ſhould looke into that to which he wes Clerke. My Lord preaſſed me ſtill to wreat to the King, as had conceaved the letter, aſſuring me, forſooth, that he would vſe me as Theſaurer Deput. I anſwered, that employment wes put vpon me without my procuring at that tyme: At his Ma: earneſt deſyre I accepted the whole, if he refuſed; the one halfe if he were pleaſed to accept the other. It were a moſt baſe part in me to relinquiſh the ſame without his Ma: privity, and to become ſuter to that effect. But, if his |Lo| could move the King to give him the whole employment, I ſhould be well content, and never oppoſe it. This not ſatisfying him, I tooke my leave, and told him that I wes to goe vp to lay downe that employment at his Ma: feet, to be diſpoſed of as he pleaſed. Sr James Baily came to Court before me with all my Lords letters to his Friends, but had no good acceptance from the King. When I came his Ma: receaved me ſo gratiouſly, as I and all other thought I ſhould be only employed. Shortly after me followed a number of my Enemies. the Chanceleir wes there before.

before. Monteith came vp to aſſiſt my Lord of Mar his purpoſe, but carried ſtill the face of a friend to me. They enformed the King againſt me moſt falſly and maliciouſly, that I had deceaved him in the Leaſſe of Orknay, that I intended to deceave him in the bargane with Sergeant Walthew, that I had converted ſome Fynes to my owne vſe, and had not compted for them, and ſome other things in that kynd, which, becauſe they are particularly ſet downe heirafter with the anſwers to them, I leave at this tyme.

Theſe informations, though they made no great impreſſion in the Kings mynd, yet ſerved they to transfer the employment to my Lord of Mar, which pleaſed me well, for all my end wes to preſerve my reputation in this poynt, that I had not of my ſelfe baſely abandoned the Kings ſervice for feare of there power and combination. for there wes neither profit to ane honeſt man, nor honour, in that employment, which proved ineffectuall to my Lord Theſaurer and mee both, for we were out of place before his Ma: came to Scotland. My Lord Areſkins firſt endeavour wes to draw the Secretary from me, whom he eſteemed my friend, as indeed he pretended,

but

but really wes friend to no man longer then he ſaw advantage to be his Enemy, promiſing in his Fathers name to pay a good part of a warrand of ſix thouſand pounds ſterling, alledged got from King James, but never yet ſeene be one Officiar or other, and doubly if not triply payed ſince, for what ever came to the King, a part wes appoynted to the Secretary toward the payment of that warrand, which is not yet fully payed, nor, I thinke, ever ſhall be, ſo long as the King hath money, and he truſt to abuſe him. This bait forced him to vnmaſke himſelfe, and, that he might deſerve the promiſe to declare himſelfe my enemy, as ever after he wes in this and every thing els. Before this a litle Sr Alexander Strachan, and ſome other his partners (of whom the Secretary wes one, for nothing paſt wherin he wes not a ſharer, and then nothing wes ſo hurtfull to the King or Countrey which wes not delivered vnder the title of good ſervice) had projected to the King great profit to aryſe out of the Wards of Marriage and Nonentries, which, being moſt pernicious to his Ma: and the beſt of his Subjects, I mainly oppoſed heir in Scotland, and with much adoe got the paſſing of it delayed

layed (ſo ſtrongly had they made there party in our Exchequer) till it ſhould be debated before the King; who had ſent for all his Officiars to Court, to have there opinions concerning the buſſines of the Tythes. Theſe and ſuch lyke buſſines increaſt there ſplene againſt me, who ſtill vpon all occaſions continued my wonted freedome to give advyſe without reſpect of any thing els, but the publick good. The moſt part of my enemies being preſent at Court fell a conſulting and plotting my overthrow, which from this tyme foorth they ſo eagerly proſecuted, as they forgot conſcience, honor, there owne qualities, and the places they poſſeſt; and this way they went to work. They made Sr Alexander Strachan waken his project for the Wards, and to procure from the King a hearing of the Exchequer, knowing well that I would oppoſe it, to incenſe him againſt me, and to move him to be my accuſer vpon there former informations, a man as much as I hated be them, eſpecially be the Chancelier, whom he had accuſed the yeare before of brybery to his face before the King, which he preſſed ſo hard vpon him, as, to ſave his reputation and place, James Douglas Deputy Secre-

tary, a man relligious and honeſt, but too-too-ſimple, who hardly could be induced to take the ordinary benefit of his place, wes perſwaded to take the fault vpon him, and thereby loſt his place. Sr Alexander perceaving there drift and ſplene againſt me, made his advantage of it, promiſing if he might have a Commiſſion to bring in concealments and omiſſions of the Theſaurary (which he afterwards got to his great profit) he ſhould find matter enough againſt me, and would charge me. When the Exchequer met, I oppoſed Sr Alexanders projects for the Wards, &c. but found no reſiſtance, but excuſing himſelfe, that he thought it was for the benefit of the King and good of his Subjects, and if it were found not ſo, he would willingly relinquiſh his ſute, but ſaid withall (according to the plot) that the Kings profit wes neglected be the Officiars, and that he would give twenty thouſand pounds for the Omiſſions of the Theſaurary, if he might have commiſſion to bring them in; as indeed there wes ſomething in that kynd through no fault of myne. I anſwered that there were ſome Omiſſions wch wes not altogether my Lord Theſaurers fault, nor myne, but partly theirs who ſerved before

before vs, and that we intended in tyme to bring them in, neither wes there ſuch perfection among men, to omit nothing; and for my part I would not only not oppoſe him, but be a meanes to move the King to grant him commiſſion, and accept the condition, but that he had not done amiſſe to have informed the Officiars of theſe concealments, who would have had a care to ſee his paines recompenſed, whereas now this offer of his wes of the nature of ane accuſation and imputation to vs. Theſe who were of the party, fearing that I would hold him to his word, and engage him, brought him off with this motion; that he ſhould have the commiſſion, and what ſhould be thereby brought in, the King to have the one halfe, and Sr Alexander the other; to which they all aſſented, but my ſelfe, (who now began to ſmell the drift of it) and the Biſhop of Roſſe, whoſe Opinion wes, that the Officiars ſhould bring in theſe Omiſſions, and Sr Alexr conſidered for the diſcovery. The report wes made to the King by the Chancelier and Secretary only, that Sr Alexanders project of the wards, &c. wes diſallowed, but that he had vndertaken to bring in, to his Ma: great profit out of Concealments, ane excellent

peece

peece of ſervice, and that none of the number wes againſt it but I only for my owne ends. The Commiſſion wes drawne vp in great haſte, and ſigned, and wes to be ſent downe to Scotland to be ſubſcribed by the Theſaurer, and paſt the Seales, whereof they were aſſured, ſince it tended to my hurt. How ſoone I vnderſtood the ſame, I told his Ma: that the Commiſſion wes ſending away, and I had never ſeene it, that oftymes ſpecious pretexts were made for his benefit, and nothing intended but the gaine of the Projecters, whervpon the King called to him Mr Mauld commanding the Secretary by him to let me pervſe the Commiſſion before it went, which Mr Mauld did, but for all that I could never come to ſee it. But a meeting being for the Tythes before the King, they brought in mention of that commiſſion. The Chancelier ſaid, it was a great peece of ſervice, and that the Gentleman had deſerved well. I anſwered, that will be beſt knowne after the performance, for me, I thought it might prove ſo too, but that I thought fit that the word (Concealments) might be defined and explained: for the Kings Tenants in ſome ill yeares were not able to pay (it may be) at the preciſe tyme, yet the Chamberlanes

berlanes would bring them in at another tyme when the Tenants were able. If theſe, or of the like nature, wch were knowne, and in charge in Exchequer were called concealments or omiſſions, the King ſhould loſſe the halfe of that rent, and give fees vnneceſſarly for that part of his rent to Chamberlanes and Stuarts. But, Sir, (ſaid I) what ever is in that commiſſion is vnknowne to me, for I never yet ſaw it, not the les of your Ma: command. At which the King wes angry, and looked ſternely vpon the Secretary. But the Chancelier, whoſe manner wes to interrupt all men when he wes diſpoſed to ſpeake, and the King too, did fall vpon aggravating theſe Omiſſions ſo far as the Marquis of Hamilton ſaid; My Lord, how can there be ſuch neglect as you ſpeake of, ſince I know they had almoſt put my Mother to the horne for fourty ſhillings Scots; whereat the King ſmyled, and ryſing vp ſaid to Sr Alexr Strachan, you have ſaid to me that there are many omiſſions and faults, and that you will doe me good ſervice, you ſhall have the commiſſion, but if you be not ſo good as your word, I ſhall find a fault ſomewhere. All this while my Lord Areſkine the Theſaurers ſonne ſtood

by mute, as if the mater had no way concerned his father, for the Chancelier had blocked vp his mouth by a promiſe, that not his father, but I only, ſhould be charged, with theſe omiſſions; and that he ſhould be free from any ſuch imputation; which he performed, ſaying, he wes a nobleman now in age, and could not take care of the Kings effaires nor his owne, but all wes my fault, excuſing him ſo to his diſadvantage from particular omiſſion by diſabling him of the care of all. When we came from the King, the Chancelier told Sr William Balfour how much he had beene my Friend, although I had moved the King to take Orknay from him to get a leaſe of it my ſelfe. I deſyred Sr William to tell him that he had expreſt himſelfe my enemy, and that I knew nothing of Orknay till he told it me himſelfe. And with all tell him (ſaid I) that I wes never ſo ill a ſervant to my Maſter as to advyſe him to give threttein thouſand pounds ſterling for renuncing his grant of Orknay, for the which he would gladly have taken fyve thouſand pounds ſterling, as they can tell whom he employed to procure it.

After

After this my Perſecutors changed there mynd, and thinking it fit that my hand ſhould be to the commiſſion, who oppoſed it, to make it the more effectuall againſt my ſelfe, the Secretary delyvered me a command from the King to ſubſcribe it. To which I replyed; that is contrary to the Commiſſion of Exchequer, which ordaines vs to ſubſcribe all ſignatours judicially, but if he would ſay before witnes that his Ma: commanded me to ſubſcribe it in particular, I would obey; which he refuſed; but the next day he brought me a warrand vnder the Kings hand to ſubſcribe. I finding that my oppoſition had drawne vpon me no ſmall ſuſpicion of feare and guiltines, having receaved this warrand, did ſubſcribe cheerfully and willingly defying Sr Alexander and all the world to charge me with any fault or malverſation in my office, in preſence of the Biſhop of Roſſe, Sir Alexander himſelfe, and divers others. This confidence and alacrity did make the Chancelier feare that the commiſſion would not work the effect againſt me that he wiſhed, and then he began to pervſe it more ſeriouſly, and finding that himſelfe might come within the compaſſe of it, being a Collector of a Taxation, did delay his

his ſubſcription, finding ſome faults and informalities in it, and being further preſſed did pretend the gut in his hand, wch wes in his feet, not ſubſcribing twenty dayes after me, till the Earle of Nithiſdale Sr Alexanders friend, and none of his, told his Ma: that the Chancelier only did hinder the ſervice, himſelfe had ſo much commended in his preſence; he then ſubſcribed it. But Sr Alexander could not have way for it through the ſeales till he gave aſſurance to the Chancelier and Theſaurer to meddle with nothing whereinto they had intereſt. When it wes paſt the ſeales they preſſed him to accuſe me: he told them he had made diligent ſearch of the Regiſters, and could find no matter; if any of them would informe him againſt me, and ſet there hands to the information, he would accuſe me as he promiſed: otherwyſe to miſinforme the King without a warrand, and ſuccumbe in the probation, he thought it neither the part of a wyſe nor honeſt man. They being diſapoynted of the pleaſure they conceaved, to ſee the one of vs ruine the other, whom they equally hated, were ſo farre incenſed againſt him, as at a Convention of the Eſtates, which wes ſhortly thereafter, they ſtirred vp ſome of the Eſtates to complaine

complaine vpon him for purchaſing a commiſſion to execute penall Statutes, and made him ſo odious, as he wes forced to give it over, yet by the helpe of his good friends he got good ſatisfaction from his Ma:

My Lord Theſaurer having got the employment of furniſing the King, and I put by it, it wes not reaſonable that contracts ſhould be ſtanding betwixt Sergeant Walthew and me: I deſyred therefore his Ma: to give ordour to call them in, to be cancelled, the King commanded the Chancelier to ſee it done. the Sergeant produced the contracts, and the Chancelier would faine have picked ſomething out of them to my diſadvantage. then, ſaid I, I acquainted the King (as indeed I did, and his Ma: remembred it) with the maner and matter of this Bargane. to which Sr James Baily replyed, that the King knew it not till it wes queſtioned: and I (not being able to containe my ſelfe) ſaid, that it wes not lyke his barganes and his complices in the Kings ſervice. At which the Chancelier was ſo furiouſly mad (for it touched him) that forgetting himſelfe, and me too, he commanded me out of his chamber, which I would not doe; the chamber wes none of his, but a borrowed one, and within

the kings houſe, whither I went by the Kings command. but the relation of this bargane I leave to the proper place. Thereafter the Chancelier and Secretary my profeſt enemies, were not aſhamed to purchaſe a commiſſion to themſelves to examine theſe matters, and to colour there malice ſomewhat, they joyned Sr James Fullarton one of his Ma: bedchamber, ane honeſt man, but ſomewhat ſimple. they examined the Sergeant, they threatned him, and when that would not doe, they promiſed to deale with the greencloath for payment to him of his arearages, a great ſowme, if he would depone any thing againſt me, which he, being more rich and covetous then honeſt, would faine have done if there had beene any probable ground. And although I wes dayly preſent at Court all this wes done without my knowledge, who ought to have beene cited as having ſpeciall intereſt, and ſuch report wes made to the King as beſt pleaſed them.

Shortly after Sr James Baily went to Scotland with a letter vnder the Kings hand, purchaſed and conceaved in ſuch ambiguous termes by the Secretary, commanding me to produce theſe contracts, as no man could know whither my

my production ſhould bee to be cancelled, or examined, whereby the Secretary if the King had taken exception (for ſtill his good opinion continued of me) might furniſh himſelfe of ane excuſe, and make his owne interpretation, by that crafty meanes to make me produce before them, whereby a Judicature ſhould have been eſtabliſhed once, which afterward I could not declyne, bringing in ſuch things as might ſerve there turne with a ſhow at leaſt of Juſtice. Some eight or ten weeks after, I came to Scotland, and this forſaid letter wes ſtill kept vp. I brought with me a moſt favorable letter of the Kings, wherein his Ma: declared that I wes a moſt faithful Servant, and worthy of the truſt repoſed vpon me, and that it wes his pleaſure, that without further trouble I ſhould enjoy my fees, penſions, and exerceiſe of my place. The copy of this letter the Secretary ſent downe before me to my enemies, who never produced there letter till myne wes preſented. Preſently thereafter Sr James Baily produced the other, of a date farre anterior to myne, the leaſt obſcure word whereof they thought warrand ſufficient to proceed againſt me, wherevpon the Indentors betwixt Walthew and me were

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vrged to be produced. I refuſed; and therevpon being removed, till they advyſed what was fit to be done, the Kings Advocat followed me, and vnder colour of friendſhip deſyred me to produce as moſt for my advantage. But having learned now to diſtruſt, and fearing by my owne conſent to eſtabliſh a judicature where my enemies were to be my Judges, when I wes called in againe, ſpoke thus. My Lords, I have conſidered his Ma: letter, wherein having diſcharged the bargane betwixt Walthew and me, and another made, his pleaſure is that the indenturs be cancelled to ſecure him from the danger of the ſaid bargane, which he may be ſubject to if the wreats were extant. for obedience therefore I am content either be act from this table, or by diſcharge under my hand to renounce all action competent to me againſt him for implement of the ſaid Indentures: But for production heirof I deſyre to be excuſed, for (my Lords) I have ſo good experience now of the nature of malice, that I know there is no meaning ſo good nor ſincere, which it will not traduce, nor no words ſo cleare, the ſenſe whereof it will not pervert, and therefore will be loath to put ſo honeſt a text in the hands of

ſo

ſo bad commentators as my enemies are. Beſyde this mater among others being canvaſed above by a commiſſion procured, execute, and reported (I am ſure) to my diſadvantage, without my knowledge, though preſent, by men not well affected to me one [Sr James Fullarton] excepted whoſe knowne honeſty and integrity I will never wrong with ſuſpicion. After all his Ma: hes gevin me ane honorable approbation in this letter even now red before you. If I ſhould now expoſe my reputation to miſconſtruction vpon theſe Indentures deſyred to be produced, what were it elſe but to wrong his Ma: judgement, and to call it in queſtion upon ane obſcure letter ſent downe before the ſame, and ſubtilly kept vp till now to make this vſe of it. Neither my Lords doe I refuſe tryall, but advantage to my adverſaries, for nothing can prove more honorable to me, nor more contrare to their deſyres. And therefore when ever I ſhall vnderſtand his Ma: pleaſure to that effect I ſhall be moſt willing to vndergoe all Lawfull tryall, either before his Ma:, or any Judge competent and vnſuſpect, not only in that particular, but in any thing elſe concerning my charge. For, my Lords, this I dare affirme with-

out vanting, that never any officiar hath ſerved the King with more honeſty and integrity, with better affection, or les regard to my owne profit. If it were otherwyſe I could hardly blind the eyes of the world ſo, but ſome tokens would remaine. I have not builded vp a fortune vpon hill or hope by cozning the King, or wronging his Subjects, I have bought no land ſince I wes Theſaurer Deput, I have not builded faire houſes, nor married daughters, nor have I ſowmes going out vpon intreſt, but am as farre in debt as when I entred this ſervice, and that I have been no prodigall all men know, that know me. My deſyre therefore is that you will not countenance ſo injuſt and malitious proceedings againſt ſo honeſt a Servant of the Kings even for the Kings cauſe, and for your owne that you will not admit dangerous preſidents againſt one who hath the honor to be of your number, which may poſſibly meet ſome of your ſelves another day, for I know none of your |Lo| ſo great nor ſo good, as can plead exemption from the malice of detractors, but may come in the ſame predicament that I am in now, who of late thought my ſelfe as farre out of the compaſſe of it as another. But becauſe even this anſwere

ſwere of myne may be miſconſtructed, or otherwayes related, I have ſet doune vnder my hand a declaration of my offer to this purpoſe, which I deſyre may be ſent vp to his Ma: when your |Lo| ſhall think fit to rander his Ma: ane account of your proceedings vpon his letters, that his Ma: may ſee my willingnes to obey his pleaſures, and to have all my proceedings put to a lawfull tryall.

Having ſaid, I preſented my offer of tryall ſubſcribed by my ſelfe, drawne vp be the advyſe of my advocat. Finding then, that I could not be induced to doe any thing that might give them the cognition of my matters, they ſent vp to the Secretary to procure letters for there purpoſe; and therefore to avoyd theſe I went to his Ma: where I remained awhyle ſecure from any perſuit, but they ſtill continued there calumnies, and having occaſion to returne to Scotland I wes no ſooner there, when I wes advertiſed that his Ma: had conceaved a high diſpleaſure againſt me vpon this occaſion. His Ma: being poſſeſt that the Leaſe of Orknay, &c. wes gevin to me vpon truſt not only to pay the whole rent to the King, but alſo all benefit that ſhould accreſce to me as takſman. whill I wes at Court, his Ma:

had

had gevin command to one (whom I doe not know, nor could ever learne, although I vſed extraordinary importunity with the King for that purpoſe) to repaire to me, and will me in his Ma: name to ſurrender the Leaſe of Orknay, &c. to the King. The party never came to me nor told any body elſe that he had ſuch Commiſſion from his Ma: to me. But after I had kiſt his Ma: hand, and taken horſe for Scotland, he framed this anſwere to the King as from me, that I would ſtand out in law againſt his Ma: and that in juſtice the King could not take the Leaſe from me. How ſoone I knew the cauſe of his Ma: diſpleaſure againſt me, I ſent a power to Sr William Balfour to make the ſurrender, to whom the King expreſt his anger againſt me in great meaſure. When I came vp, I found his countenance altered, and therefore deſyred the Marquis of Hamilton to procure me acceſſe and hearing, which for a long tyme he could not obtaine, becauſe (ſaid the King) he will not ſurrender his Leaſe of Orknay to me. But the Marquis affirming that I wes come vp for that purpoſe, which the King would not believe, ſo ſtrongly wes he poſſeſt of the contrare, and would not admit me till I ſurrendred. Where-

vpon

vpon the Secretary wes commanded to draw vp a ſurrender: but he, loth that that way ſhould be made open to me to recover the Kings favor, excuſing himſelfe alleadged the ſurrender muſt be legall, and drawne vp be the Kings Advocate, who ſent vp one which he knew I would never agree to: for by it, I wes only to ſurrender 7000 marks payable to me by my Subtakſmen, and remaine obliged to pay yearely 45000 marks to Nithiſdale, to whom the King had gevin the duety of Orknay, &c. This by all men wes thought ſo vnreaſonable, as the Secretary wes forced to draw vp a totall ſurrender, as well of the duety, as of that the Subtakſman wes to pay to me, and that (in expreſſe termes) for all tymes to come, to which I put to my hand. This 7000 marks wes gevin to Anandale, who not content therewith foiſted in to his grant a termes duety of the ſame before my ſurrender. Then did they begin there calumnies afreſh without regard of truth or honor: and to countenance the matter the better, the Lord Theſaurer wes ſent for be them, a man of great age, and lame of his leg, and went vpon crutches, aſſuring him that they had prepared the King ſo, and gevin him ſuch impreſſions of

me, as there needed no more but his preſence to turne me out, who wes not ſlow to vndertake ſuch a journey to that end, and who in the midſt of his journey got ſo ſhrewd a fall, as for many dayes he wes not able to ſturre, yet at laſt went forward: ſo implacable and malitious he wes of nature. In the meane tyme, all the terrors of the world were gevin me: that the King would ſend me home to be tryed, where my enemies were to be my Judges: that I ſhould not only want my fees, penſion, and place, but the Kings favour, and my owne honor alſo, and as a delinquent and criminall be warded in the caſtle of Edinburgh, and deeply fyned: neither did they ſtick to lay this imputation on the Kings juſtice, that the King wes reſolved to diſpoſſeſſe me of that place, and a fault muſt be found though there were none, to excuſe the King in that poynt. And the Earle of Monteith, whoſe aſſiſtance in this buſſines Sr James Baily had bought at a deare rate, did earneſtly deale with me himſelfe pretending friendſhip, and be my Lord Carrict (who meant ſincerely) to accept compoſition from Sr James, adding many horrible oaths that the King had paſt his promiſe of my place to him. But I conſidering that to enter

treaty

treaty with them, or any other vpon that poynt, would give them advantage and occaſion to tell the King that I had a deſyre to leave the Kings ſervice, and had already treated of conditions, which vndoubtedly would not only have made him give way, but to have judged the cauſe to have proceeded from my feare and guiltines. Therefore vpon no condition could I be induced to heare ſo much as ane offer, till my reputation were cleanſed from all there foule aſperſions. But Sr James being impatiently ambitious, not only with promiſes and brybes plyed all thoſe who might any way further his purpoſe, but alſo dealt earneſtly by the meanes of Mr Johne Hay with my Lord of Lowdon (my friend, a wyſe, and honeſt man) being then at Court, ſo that, my Lord, Mr Johne, and I, had a meeting, where many reaſons were vſed to induce me to enter treaty, and but to heare the conditions, which I doubted not, would have beene very great, without intention to performe, but only to make the foreſaid vſe of my treating, I would by no meanes condiſcend thereto: yet to give my Lord Lowdon ſatisfaction, who perchance might have thought me will-full againſt my owne well, I ſpoke thus

to

to Mr Johne: I have ſerved the Kings father and himſelfe long, yet to ſerve him againſt his will, I will not: let Sr James vſe his Friends to move the King to tell me, that it is his pleaſure to be ſerved be another, then I will treat: but I thought in my mynd, never with him. the King (ſayes Mr Johne) will never doe that: then replyed I, doe you thinke it fit for me to give the King his leave (as we ſay) before he give me myne, I know not where to find ſo good a Maſter: and, not being able to indure any longer the ambition of ſo baſe a fellow, I deſyred Mr Johne to tell him, that I wes a better friend to him, then he tooke me to be in not treating with him, for if he were in that place he could not hold vp his hands, and would be hanged (it may bee) within a yeare. ſo diſſolved that meiting, for with honor I could not treat with any ſo long as my reputation wes in queſtion, farre les with him who had raiſed ſo many calumnies and Enemies to me.

Then vnderſtanding that my Lord of Mar wes on his journey, and neir, I thought it fit to be in ſome ſort armed againſt the ſtorme he brought with him, and told his Ma: how injuſtly I wes dealt withall in Scotland, that I who

wes

wes to pay other men there fees and penſions could get none of my owne, which I ſaid wes very ſtrange, if it were not be his Ma: command or allowance; which his Ma: having diſclamed with ane oath, then ſaid I; Sr your Ma: hes beene hardly poſſeſt of me a long tyme by ſiniſtrous information, and I am not conſcious to my ſelfe of ſo much as a thought other then becomes a faithfull ſervant. No; ſaid the King: did not you refuſe to ſurrender your leaſe of Orknay to one who had commiſſion of me to demand it to my vſe? truely Sir (ſaid I) never man demanded it of me, nather did I know that ſuch was your pleaſure, till I hard in Scotland of your Ma: anger for my refuſing. Did not you (ſaid the King) ſay to him that you would ſtand out in law againſt me, which is alſo vnder your hand? to which I replyed; doe me the favour, Sir, to let me know to whom your Ma: gave that commiſſion, and confront vs before you, and I doub not to make him confeſſe, that he hes abuſed your Ma: with ane vntruth, and if any ſuch thing can be ſhowne vnder my hand, I will not only give the hand but the head alſo to be ſtricken off. then did I preſſe with importunity to knowe this fyne commiſſioner,

but his Ma: by no meanes would doe it, ſaying it wes enough, he wes ſatisfyed, and did not beleive it. Then did I tell his Ma: what ſtorme wes prepared againſt me at my Lord of Mars vpcoming, that I deſyred no more but indifferent hearing, and protection if my cauſe were honeſt: which he gratiouſly promiſed, and therevpon gave me a kiſſe of his hand. Some two or three dayes after my Lord of Mars arryving at Court, they altogether and ſingly, when they had opportunity, vexed the King with there calumnies, vrging him to ſend me home to be judged, a poynt which they laboured by all meanes, ſo that the King for his owne quyet wes (I may ſay) forced to ſend Sr Archibald Acheſon the other Secretary to me (for my Lord Stirling excuſed himſelfe vpon the hate I caried to him) to tell me that there were many informations againſt me, therefore deſyred to know whither I would ſtand to my juſtification, or ſubmit my ſelfe to him. I anſwered, that I wes much bound to his Ma: and would my ſelfe give his Ma: my anſwere, and (I doubted not) ſatisfaction. Which Sr Archibald having reported, I put my ſelfe in the Kings way the next day when he wes going

ing from dinner; he beckened to me, and I followed him in to his Bed-chamber: and being alone with him, Sir (ſaid I) I have receaved your pleaſure by Sr Archibald Acheſon, and humbly thanks your Ma: for giving me a choyce to ſtand to my juſtification, or ſubmit my ſelfe to your Ma: I will not, Sir, abſolutely juſtify my ſelfe before God, nor before you: your Ma: might have had a Servant of more eminent abilities, but never a faithfuller, nor more diligent, nor better affected. And as for ſubmitting my ſelfe to your Ma: if my lyfe or eſtate were in quæſtion, I could lay them both doune at your feet, but this is my honour dearer to me then they both, which looſes by ſubmitting, and cannot be repared by your Ma: nor any King in the world. the words at firſt ſeeming ſharpe and bruſke, he muſed a litle, then burſt out with theſe: Begod, my Lord, you have reaſon; and withall he told me ſome of there informations. Then Sir (ſaid I) there hate againſt me is for no cauſe gevin by me, and to moſt of them I have done reall courteſies, but becauſe I will not comply with them, nor give way to there deſyres, to your Ma: prejudice and your Subjects, and for your Ma: ſervice,

ſervice, and my vndertakings in it. But, Sir, I deſyre no more but the moſt rigorous and exacteſt tryall can be devyſed, ſo it be juſt, and your Ma: my Judge, and that I be not remitted to Scotland, where my Enemies are to be my Judges, and where (if I were as innocent as Jeſus Chryſt) I ſhould be condemned, for the more exact the tryall be, the more ſhall my faithfulnes and integrity appeare to your Ma: and I will not only anſwere for my owne actions, but if my wyfe, friend, or ſervant (who by corrupt Officiars vſually are ſet out to be Baudes to there bryberie) have done wrong, I am content it be imputed to me. If I had couſened your Ma: and oppreſt your people, and then made ſome men ſharers in the Prey, your Ma: had not beene troubled now, nor I thus perſecuted, but had beene delivered to your Ma: for a good and faithfull ſervant. then his Ma: promiſed that he would heare all himſelfe, wch wes a poynt I deſyred much to gaine, and did ſerve me afterward to good purpoſe. Then, Sir, (ſaid I) be pleaſed to mak theſe informers ſet downe there informations in wreat, and ſct to there hands to it, and within three houres after, I ſhall either give a punctuall and

and ſatisfactory anſwere, or otherwayes your Ma: may diſpoſe of me at your pleaſure. His Ma: wes pleaſed with the courſe, and I tooke my leave. Immediatly thereafter, the Earle of Mar, and the whole troup of my adverſaries (who were waiting in the Earles chamber, till I ſhould come from the King) expected a ſurrender of place and all to the King, becauſe of the word (ſatisfaction) that I vſed to Sr Archibald Acheſon. As they came downe ſtairs ſlowly, becauſe of my Lords lamenes, one ſaid, this is lyke the Lord Napier who is going downe by degrees; another, as they were going through the Court, told his Friend that aſked, that they were all going to give the Lord Napier the laſt ſtroake. In this inſulting humor they came to the King, who told them that I affirmed all there informations to be calumnies, and that I would ſtand to my juſtification, and commanded them to ſet downe there accuſations and informations in wreat vnder there hand, and to deliver the ſame to me to be anſwered. This falling out farre beſyde there expectation, aſtoniſhed them a litle, eſpecially the Earle of Mar, who fell downe vpon his knees with his crutches, and with teares intreated the King to free him

of my trouble, and that he could not ſerve with me, thus ſtirring pity to cauſe injuſtice. To whom the King ſaid, My Lord, I would doe you any favour, but I cannot doe injuſtice for you. For the ſpace of eight dayes after, I wes free of there perſute, ſo long as the King remained in Hampton Court (for the command to ſet downe the wreat vnder there hands did much amaze them) but every day they had there meetings and conſultations how to overthrow me, and being ignorant of the Kings promiſe, to heare all himſelfe, all there endeavours tended to get me remitted to Scotland, and then they were ſure of there deſyre. His Ma: having removed to Theoballs aſked the Secretary, if the informations in wreat were delivered to me, and commanded it to be done inſtantly. This put them in ſome feare that the Lord of Traquare and his friends had procured this, who wes ane expectant for the place, if I ſhould have beene put from it, and a man of another faction then Monteith and the Secretary: and therefore by the Earle of Carrick they moſt earneſtly dealt with me a-freſh to treat with S^{r} James Baily, adding great promiſes but with the lyke ſucceſſe as before.

The

The Secretary then ſent me the informations encloſed within a letter of his owne to me, ſhowing that it wes his Ma: pleaſure that I ſhould ſend the anſweres to him to be delivered of the King: but I would not doe ſo. When I opened the Articles of accuſation, I found no hand at them, but wreaten in a litle peece of paper, ſo near the end thereof, as not one letter could be wreaten more, of purpoſe, that if the King ſhould vrge them to ſet to there hands vpon a ſuddaine, they might gaine ſome tyme in wreating them over to conſult vpon the mater. I preſently drew vp the anſweres, and on the morrow I told his Ma: that I had receaved theſe Articles, and that there wes no hand at them. That is all one, (ſaid the King, as they had informed him) you know the mater now and may anſwere it. Sr, (ſaid I) there is no Judicature civill nor criminall can be eſtabliſhed without theſe neceſſary members, a Judge, a Perſewer, and a Defender: true it is, in Scotland, in the factious tymes, men were called in without knowing either cryme or perſewer, which they called (ſuper inquirendis), but that barbarous and injuſt cuſtome wes aboliſhed by your Ma: father by ane expreſſe act of Parliament

liament yet ſtanding in force, I hope your Ma: will not introduce it againe, and make me the precedent of it. If it be ſo (ſaid the King) they muſt ſet to there hands, and ſhall ſet to there hands. Vpon my alleidgance Sir (ſaid I) it is ſo, but I beleive they will never doe it, not for feare of me, but knowing in there conſciences that they are mere forged calumnies, they know they ſhall ſuccumbe in the probation, and then they feare your juſt diſpleaſure. Beſyde, Sir, they thinke your Ma: will not deny me place to recriminat them, after I am cleared my ſelfe, and then they know they cannot come faire off. But, Sir, doe me the favour to preſſe them to ſubſcribe the articles, and if they refuſe, yet for your Ma: ſatisfaction, I ſhall anſwere punctually, and deliver the anſweres in your owne hand. The King wes well pleaſed, and indeed preſſed them to ſubſcribe. But they having met, and each of them putting the accuſation vpon another, and Sr James Baily objecting there promiſe to accuſe me to ſome of greateſt place for onerous cauſes, no man of all that great number, great nor ſmall wes found that durſt ſet to there hand: ſuch force hath truth. Which I perceiving did give my anſweres

ſweres to his Ma: which together with the articles of accuſation heere followeth.

1. That the Lord Napier contrare to the ingenuity of a publick Officiar, being intruſted by his Ma: with the tak of Orknay, ſet a ſubtak to William Dick for payment of 45000 marks or thereby yearly for the vſe of the Earle of Nithiſdale, and by ane indirect courſe tooke a privat band of the ſaid William, to pay to himſelfe 7000 marks over and above the ſaid ſowme, never offering to have recorded or made compt of the forſaid ſowme of 7000 marks, according to his Ma: truſt repoſed in him, if the ſame had not beene diſcovered be the Earle of Anandales meanes, as is well knowne to his Ma: and others.

2. That the Lord Napier, being intruſted with making proviſion for his Ma: going to Scotland, made a publick Indenture wt Sergeant Walthew at ane extraordinary high rate for confections, and privatly wrote a backband with his owne hand binding the Sergeant to accept of much leſſe pryces: whereby it doth appeare, that he invented,

or at leaſt intended a way not fair for a Princes Officiar, to have it in his power to deceave his Ma: which he might have performed if that courſe had not beene prevented, and a more ſtraight and cleare bargane made with the ſaid Sergeant to his Ma: great advantage: and it is requiſite that the ſaid backband were produced, and the former proceedings in that buſſines both heir and in Scotland reviſed, if ſo it ſhall pleaſe his Ma:

3. That the Lord Napeir hath intrometted with many ſeverall ſowmes of money, ariſing partly out of eſcheated goods prohibit to be exported, or of cuſtomable goods not lawfully entred, and of fynes taken privatly from above 250 people, or thereby, of Malt-makers and Brewers for tranſgreſſing of Acts of Parliament and Counſell, of all which there is neither record, nor accompt made in the Exchequer, although there have beene ſeverall accompts paſſed ſince the receipt of the ſaid money. And not being content with theſe ſtrange and diſordered proceedings, he hath contrare to the Acts of Parliament, and duety of his place, not only taken money for his owne vſe, for giving out

out or procuring licences to diverſe people for exporting of prohibited goods to the generall prejudice of the whole kingdome, beſydes his Ma: great loſſe; but alſo hath out of his Ma: coffers given or procured penſions, fees, wages, or recompences to other perſons for attending the ſaid prohibited goods, although the whole benefit is applyed to his owne vſe.

The LORD NAPIERS *Anſweres.*

May it pleaſe your Ma: before I anſwere to the firſt concerning the leaſe of Orknay, it is neceſſary, that it be cleared by a true relation of that buſſines. It pleaſed your Ma: to give the rent of Orknay to the Earle of Nithiſdale for fyve yeares, and he tranſacted with Sr Johne Buchannan (againſt whom your Ma: father of bleſſed memory had juſt exceptions, and concerning whom your Ma: ſelfe gave me a warrand vnder your hand to ſtop all mater of favour when it ſhould occurre) who ſent vp to be ſigned by your Ma: a tak of Orknay for payment to the ſaid Earle of 45000 marks a-year, and vpon condition to advance him

him ſowmes of money, whereof I getting notice, and conceiving it to be a matter of favour, did acquaint your Ma: without any purpoſe at all to move your Ma: for my ſelfe, till your Secretary Sr William Alexander, finding the ſtop, repreſented to me that by that meanes the Lord Nithiſdales employment to Denmark would be croſt, and that ſervice failing would be imputed to me. which I, apprehended to be true, wes perſwaded be him to come in Sr Johne his place, and vndertake the performance of the ſame conditions, which if he pleaſe to doe me right, he will not deny. Wherevpon I moved your Ma: for my ſelfe, telling your Ma: that it were fitter that Leaſe were in the hands of ane Officiar of Exchequer then any other, becauſe from him your Ma: might have a Surrender, when and vpon what conditions you pleaſed, which hardly another would doe, and that then, the improvement (if any were) might come in to the Exchequer, and as for me your Ma: ſhould have it when and vpon what termes you pleaſed; wherevpon the leaſe wes wreaten over without any alteration, and my name inſert in place of Sir Johne Buchannans, and ſo paſt, and your Ma: vndertooke for me to the Duke

of

of Buckinghame, that what conditions Sr Johne had agreed to with Nithiſdale, ſhould be performed be me, which I did over and above in reſpect of your Ma: vndertaking.

Now for anſwere. it is alleadged that the leaſe wes intruſted to me, I never denyed it, for I tooke it vpon condition to ſurrender when and vpon what termes your Ma: ſhould be pleaſed, and that then the improvement might come in to the Exchequer. But that I ſhould advance great ſowmes of money, and be lyable to the yearly payment of 45000 marks (enough to have vndone my eſtate, if one evill yeare had come, or if my Subtakſman had banquerouted) without all hope of advantage or recompence, I will never conceave to be your Ma: mynd, in which nothing can harbour contrare to juſtice and equity: for, if as ane Officiar (wch my accuſers would ſeeme to inſinuate) I tooke that Leaſe, I ought indeed to have payed in the improvement, but then to have beene ſecured from all hazard of loſſe, ſince I had no hope of advantage, which ſecurity wes never offered be your Ma: nor demanded be me; but the contrare, my ſelfe, my heyres, my executors bound in the ſtricteſt forme of obligation to the yearly payment of

45000 marks a-yeare, beſyde advancement of money. It followes then that I wes takſman tyed to the payment of a tak-duety, which being payed the ſuperplus in all reaſon and law wes my owne, ſo long as your Ma: did not call for a Surrendar, vnles that any vainely imagine, that, as ane Officiar, I ſhould pay the 7000 marks, and as a takſman 45000 marks. But heirin conſiſted your Ma: advantage, and the truſt repoſed in me, that, if it were improved, your Ma: might have the ſurrender when you pleaſed. In the meane tyme ſince I wes ſubject to the ſame dangers, and to the ſame payments that Sr Johne Buchannane had beene, it were reaſonable I ſhould enjoy the ſame benefit. But let it be ſuppoſed for affirmed, it cannot be without injury to your Ma: that it wes your mynd I ſhould pay the improvement, and rent too: what can be imputed to me but error and miſconceaving your Ma: mynd, which now (I think) is expiated by my ſurrender, and forgiven by your Ma: gratious beſtowing on me a kiſſe of your hand, after which they wrong your Ma: who calls me in queſtion for this particular. And as to the benefit of 7000 marks a-year ſo much grudged at, there is no man of vnderſtanding,

derſtanding, but will thinke the bargane hard enough, to be ſubject to the yearly payment of 45000 marks of certainty, for 7000 ayear of advantage, becauſe the loſſe in one yeare may fall out to be more, then can be vpſet in fyve, which is the tyme of my take. Next it is alleadged, that this bargane wes made privatly: and what fault is that, if it were ſo. But the contrare is true, for I treated openly with ſundry others, neither wes there any man of quality in towne who did not know it within twenty four houres after with all the conditions, beſyde a number of Lawyers, Clarks, and Writers imployed about the ſureties; neither wes it ever concealed be William Dick, nor be me, from any that aſked the queſtion, whereby there needed no ſuch a ſubtile diſcoverer. So I humbly ſubmit the conſideration of this buſſines to your Ma: and my behaviour in it, at whoſe hands only I expect a juſt and impartiall cenſure.

Anſwere to the 2 Article.

The ſecond Article had neid alſo to be cleared by a relation of the bargaine betwixt Sergeant Walthew and me. It pleaſed your Ma: to employ me to furniſh your Ma: during

during the tyme you were to abyde in Scotland, when the Officiars of eſtate there had refuſed to doe it, and to ſend for me to Southwick for that purpoſe. which having accepted I came to London, and ſent one to thoſe who deale with ſuch commodities, to learne the pryces of every ſeverall ſort, for ready money, whereof he brought to me a note. then not daring to vſe any of them for that which wes for your Ma: owne mouth, I ſent for the Sergeant of your Confectionary to deale with him. He told me the pryces the Green-cloath did allow him, which I comparing with my note found very exorbitant, telling him that I wes to give him ready money, whereas he lay long out of payment be the Green-cloath: for two or three dayes wee could not agree: at laſt he told me, that, if the Green-cloath and other his Cuſtomers in England, did not know, and that he thought to gaine vpon the Countrey of Scotland, he would agree to my pryces for your Ma: whereupon this expedient wes proponed, whither be the Sergeant or be Archibald Campbell, I remember not, that ane Indenture ſhould be drawne vp containing theſe pryces the Green-cloath allowed him, and a backband having relation

tion to the Indenture, and derogating from it, containing the pryces that others would afford for ready money for ſo much as ſhould ſerve your Ma: vſe. To which I conſented, and ſet doune a brother of myne to wreat the backband, who being ſomewhat ſlow in wreating, I tooke the band and wrote it my ſelfe, and whill it wes a-writing, the Sergeant of himſelfe, without any others motion, promiſed, that, if he were well payed, and made a good bargane with the countrey, he would ſhare with any freind or ſervant of myne the ſuperplus which ſhould be got of the countrey above certaine pryces ſet downe farre above your Ma: pryces, except in the Amber, which he knew the countrey would not buy. And although I knew the vainnes of that offer, and that none in the countrey would ever come to thoſe pryces, and ſo my friend ſhould be a ſharer of nothing, yet did I ſet downe his offer to that effect. I wes certainly informed, when your Ma: father went to Scotland, his banqueting ſtuffe did as ordinarly ſerve ſome mens tables, as his owne. and to prevent any ſuch abuſe, I thought to put one to looke to that, who becauſe he wes not ordinary, and therefore wes to get no allow-

ance from your Ma: but only to be entruſted be me, and I did think be vertue of that clauſe to draw ſomewhat from the Sergeant to that man I ſhould appoynt, which I might eaſily doe being his pay-Maſter. And this is the tenour of the backband.

For anſwere. I am charged with the forme, for making ane Indenture and a backband, as if it were vnlawfull or vnvſuall to make contracts or backbands, one derogating or reſtraining the other, or any forme the parties pleaſes for there ſurety and conveniency, then which nothing is more frequent, nor ever wes it quarrelled. But put the cace there were mater of ſuſpicion in that, it is to be conſidered to whom the good of that forme redoundeth, and in whoſe favour it is, cujus bono? not to me, for there is none at all, to him it is convenient, for his owne reaſon ſet downe in the relation. Next, I am charged for my intentions. although I might well anſwere, that my intentions are only knowne to God, and not cenſurable by humane law, except in that tranſcendent cryme of Læs-Majeſty, yet there is nothing I deſyre ſo much as that myne were truely knowne to your Ma: and then you ſhould find them

them honeſt and vpright. Next to have it in my power to deceave your Ma: firſt I anſwere, it wes not in my power, becauſe long before any ſuch mater wes knowne or queſtioned I told your Ma: the forme and mater of this bargane when I came from Scotland, when I, and all others thought I ſhould have beene only employed, which I humbly deſyre your Ma: to call to memory. Then though it were in my power to deceave your Ma: it is a bad conſequence, to ſay, that therefore it wes in my will; for what Officiar or man intruſted in Princes effaires hath it not in his power to deceave? God forbid that they have it all in there will. But he that hath it in his power to deceave, hath it alſo in his power to be honeſt, and it is more charitable and as logicall to conclude, that it is in his will to be honeſt, as to deceave. And why ſhould I be thought to intend deceit againſt your Ma: vnles I had in all my lyfe endeavoured to deceave ſome other,? there is no reaſon. So wanting mater, they challenge forme, wanting actions, I am charg'd with intentions, and wanting proofe againſt my will, I am charg'd for having it in my power to deceave the King. As for the bargane made by

others

others ſo much praiſed, I humbly deſyre it may be produced, which being compared, I know, there ſhall be found no conſiderable difference, and what there is, the Sergeant wes induced to (as I am truely informed) vpon falſe hopes to get his arearages payed be there meanes. I confes I never bought to my ſelfe, nor to any other, houſhold proviſions, and have no ſkill in Catery or Butchery, and if I have failed that way, it is want of ſkill, not of honeſty. As for the wreats, I am content they be produced before your Ma: and all my proceedings examined by your Ma: to whoſe judgement I only adhere.

Anſwere to the 3 Article.

The third Article is ſo generall, and ſo involved in perplexed and ambiguous words, as no anſwere can be gevin but this, which is as generall, that, all there ſet downe is moſt falſe, ſo that the mater remaines vndetermined ſtill. But when my accuſers ſhall be ſpeciall in any poynt, as what, when, how, from whom, how much, I have taken, I doubt not but to make it as cleare as the Sunne, that they are moſt falſe and malicious calumnies. And what ever I have

have receaved, I have made compt for, except ſome fynes inflicted by the Councell, and in record in there bookes, which I brought in to be compted, but conſiſting of many ſmall particulars, and the clarks not able to overtake all they had to write in ſo ſmall a tyme alloted to them (there being two yeares vncompted for) I wes earneſtly deſyred be them and Sir Henry Wardlaw to let them alone till the next compts: neither wes it any great fault that the Deputy Theſaurer, who ought to keepe all your money, have in his hands fyve or ſix thouſand marks Scots, ſince it wes offered to be compted, and all the Counſell knew that I had it, the greateſt part whereof wes diſburſed vpon your Ma: ſervice long before theſe compts. And where it is alleadged that ſundry theſaurer compts hath paſt ſince the receipt of theſe Fynes, there is nothing more falſe, for never any paſt ſince, but that wherein I offered to make compt for theſe Fynes. Neither hath there any thing beene done be me, but that, for which I have your Ma: warrand, your fathers, the Councells warrand, or that which by the duety of my place I ought to doe. My humble ſute therefore is, that your Ma: will be pleaſed to judge of theſe

things by your owne wiſdome and juſtice, to which I only appeale: or otherwayes to free me of theſe calumnies by your Ma: declaration of my honeſt and faithfull behaviour, as your Ma: hath already done by your gratious letter to the Exchequer, that I may be the better encouraged to doe you ſervice.

NAPEIR.

My enemies refuſing to ſubſcribe the informations gevin by themſelves both by word and wreat to his Ma:, gave me a great deale of advantage in the Kings and all other mens opinion, yet ceaſed they not ſtill to perſecute me, ſo bold were they in there accuſations, becauſe no man wes puniſhed for any calumny, or the worſe lyked, out of a bad impreſſion gevin to the King, that if he puniſhed any ſuch, he ſhould not get knowledge of the eſtate of his effaires, no man daring to doe it, vnles they were able to prove it clearly, which, although true, could not alwayes be done. My Adverſaries being ignorant of his Ma: promiſe to heare all himſelfe, and being oft refuſed, when they deſyred him to remit my tryall to Scotland, without knowing

ing the cauſe, they drew vp a letter commanding me to be tryed before the Councell of Scotland, which letter they foiſted in among other letters, and ſtole the Kings hand to it: whereof I came to the knowledge after this manner. Sr James Baily, who had tryed many wayes to make me tranſact with him, and all in vaine, did trye this too. He ſaid to Alexander Auchtmowty my friend; I am ſory for the Lord Napiers willfulnes, and more ſory that I ſhould have had any hand againſt him, which my Lord of Mar induced me to doe, for now he is alluterly vndone: he is to be ſent home to Scotland to be tryed be his enemies; and if he doubt of this, I ſhall let him ſee the Kings letter with his hand at it to that purpoſe. Alexander ſtopt there, and I held my peace. But Sr James ſayes (ſaid Alexander) if you will be content to deale with him, he will vndertake, by the helpe of Monteith and the Secretary, that you ſhall come fair off with honour and profit. Haveing diſcovered Sr James meaning, I bitterly refuſed all dealing with him, yet did I not ſlight the advertiſement, and after enquiry found that there were ſuch a letter paſt the Kings hand, and to be ſent downe to meit me in Scotland, whither

ther I wes going, then wes I much moved, and waited vpon ane opportunity to tell the King, which they perceaving were much affrayed, and ſent Sr Alexander Strachan to accomodate the mater, who promiſed in there names, that that letter ſhould be riven in my preſence, if I would be quyet for that tyme, and another (becauſe I wes going home) of my owne penning ſhould be ſigned be the King, whereof I wes content, knowing be experience how bold theſe men were with the King, and how litle he reſented it. Then Sr Alexander delivered me the letter to be riven, but becauſe I ſaw the Kings hand I refuſed to ryve it, and he did it. And becauſe I would not ſeeme to avoyd tryall, I drew my letter thus. Whereas diverſe informations hath beene made to vs againſt the Lord Napier, it is our pleaſure that you receave any thing concerning them that ſhall be gevin in to you, and thereafter ſend vp the Lord Naper together with his accuſers to vs, to receave our determination, and that this letter be regiſtrate, in the meane tyme the Lord Napier to enjoy his fees, penſions, and full exerciſe of his place. My enemyes ſpeeding no better at Court, gave out, that what ever warrand

hand I brought home ſhould not be anſwered, as indeed I found by proofe. I aſked my areares, I could have no part of them, the Theſaurer had forbidden the Receavers to pay me; I aſked a compt of there deburſing the Kings money in my abſence; that wes denyed me, and all the vſe of the Kings favorable letter wes this that it wes regiſtrate, not without difficulty, notwithſtanding the Kings command. Then the Chancelier aſked theſe articles of accuſation (as if he had never ſeene them) which being produced he commanded to be put in the publick Regiſter, without any warrand from the King or Counſell, and would not by any meanes regiſtrate my anſweres to them, there to remaine for a diſhonour and ſtaine to me, my houſe, and poſterity to after-ages, who ſhould not know that they were ſhamefully diſavowed be the informers themſelves, nor anſwered be me: ane Act of ſuperlative malice. I made offer of the compt of the Fynes receaved by me, they would not heare it, nor yet give me out inſtruments of my offer when I aſked them, which the Clark durſt not give out according to my words, but framed in ſuch termes as they ſet downe to him.

At this tyme Anandale came to Scotland, brought with him a letter from the King to the Exchequer, commanding me vpon a wrong narrative to pay him a terme of the duety, which William Dick wes to pay me, and which wes due to me long before my ſurrender, and moſt injuſtly inſert into Anandales gift, although his Ma: had accepted my ſurrender for the tyme to come, without any mention of what wes due to me before it. And in cace I refuſed to pay that terme, warrand wes gevin to the Kings Advocat to perſue me for all I had receaved from my Subtakſman during my leaſe and before my ſurrender. But the ſenſe of this letter wes extremely perplext and intricat, as all letters of the Secretaries penning are, of purpoſe to leave open a way to the other party paying as well for it, to get another in his favours to which the former might be reconciled, in his conſtruction without contradiction, and to provyd himſelfe of a defence if they ſhould come to be examined or compared before the King, which in cleare words were not faiſable: and indeed the Counſell wes in nothing ſo much troubled as in finding out the Kings mynd in his letters, which ought to be cleare, and admit

admit of no conſtruction but one, and ſome cauſes have beene debated, where parties have vyed the Kings letters, as in a play they vſe to doe, one againſt another. But leaving digreſſion vpon this ſubject, (whom for bryberie at both hands, concuſſion of the people, and abuſing the King, no age can paralell) I finding that by this letter they had made the King my party, would not ſtand in judgement againſt him, but how ſoone I wes ſummoned, I offered that termes duety of 7000 marks to Anandale, and made alſo a Judiciall offer of it before the Exchequer, and did give direction and a diſcharge to William Dick to pay it to Anandale. The offer wes refuſed, and the diſcharge ſent back be William Dick, who now had left me, and had correſpondence with them. They would not ſuffer Anandale to take it, but would needs go on with perſute againſt me for all I had receaved before my ſurrender, which they ought to have done by the Kings letter, but incace of my refuſall to pay the terme in queſtion. The Kings Advocat, a baſe follower of greatnes, a ſlave to ambition, and malicioufly eloquent, perſued me hard, alleadging the leaſe wes gevin me in truſt to bring in the improvement

provement to the King, and that I had confeſt it, and tooke out my anſweres to there informations to prove his alledgeance, and red theſe words (I never denyed it, for I took it on condition) and there moſt vnfaithfully would have ſtayed, but I made him read out all to his ſhame, whereby the few indifferent Lords that were did deteſt his diſhoneſt dealing. I wes forced to anſwere for my ſelfe, for by no meanes could I procure ane Advocate to be admitted to plead for me, although be our law it is not denyed in any cace, even in treaſon, to any. So long as he kept off the poynt in law, I anſwered ſufficiently, but when he came to diſpute in law, I would not anſwere (but would be abſent) againſt a profeſſed Lawyer. Wherevpon at laſt, being aſhamed to doe otherwyſe, I got leave for Mr Lues Stuart to plead for me, who performed his part ſo well, as cloſed the Advocats mouth from vttering law or reaſon, but never from breathing out idle words, ſo that the Lords ſeeing nothing could be done to my prejudice, did referre all to the King, and would not abſolve me as they ought. Shortly after, the Earle of Mar, finding that I could not be removed, made a privy tranſaction for his owne place with

with the Earle of Mortoune, without the knowledge of theſe who aſſiſted him in the perſute againſt me, whereby he became diſabled to worke there ends, who therefore were much diſpleaſed with him, eſpecially Monteith, with whom (as he alleadged) he had handſomely æquivocated; promiſing that he ſhould pay to him a precept of 5000 pounds ſterling before Paſche, if he were Theſaurer, before which tyme he had reſolved to quyte the place. This gave occaſion that Monteith and I entred in ſome better termes of correſpondence, but had ſtill his variable and inconſtant humour in ſuſpicion. This friendſhip wes confirmed by Sr Richard Grahame of Eſke, who made vs interchange promiſes of friendſhip, aſſuring vs that on whoſe part the breach ſhould be, he would beare witnes againſt him; one particulare promiſe he deſyred of me, that I ſhould not tranſact with Traquare for my place without his privity, as Mar had done with Morton: for Traquare dealt fairly with me, and if my honour had not beene in queſtion, I would have concluded with him. I anſwered, that I would tranſact with no man, vnles his Ma: expreſt his pleaſure to be ſo. There wes nothing I more deſyred in my

ſecreteſt thoughts then to be fairly rid of that place long before my troubles: for after my wife dyed, a woman religious, chaſt, and beautifull, and my cheife joy in this world, I had no pleaſure to remaine in Scotland, having had experience of the cheefe of Counſell and Seſſion, and of there maners, to which I could never faſhion my ſelfe, and conſidering the place I held could never be profitable to a man that had reſolved faire and direct dealing. I went to England, and there layd downe ſome concluſions with James Carmichael, a ſervant of the Kings, a man fit for the place, and who had good friends at Court to move the King to give me ſome ſatisfaction for my place (as indeed very litle would have contented me then) or give him way to doe it, as if the motion had proceeded from the King and not from me, which be all meanes I avoyded, knowing how diſpleaſant it wes to him when his ſervants made merchandize of his ſervice. but after my enemies had once diſperſed there calumnies, I layd aſyde all thought of leaving that place till theſe aſperſions were wyped away. After all my enemies accuſations (that they might leave nothing vnattempted to bring me within the compaſſe of law) I being

being then in England the Cheefe Officiars of State were not aſhamed to goe to Leith to call the Merchants, Cuſtomers, and Searchers before them, to try if I had done any thing wch they might take hold of, but they could find nothing, only one merchant told them that he had gevin to me two hundreth marks Scots for the cuſtome of Tobacco. Vpon this they triumphed, wrote vp to their complices at Court that they had me ſure: but after, finding it compted for in the books, and diſcharged be themſelves they gave over all hope to find any thing in that kynd to charge me withall, and if they could have found that, they thought it enough to have turned me out. My enemies now finding that his Ma: in his juſt inclination wes not to be moved to caſt me out of favour vpon there naked informations, and I could neither by threats nor promiſes be wonne to tranſact, and that they could find no mater againſt me, although they ſifted all my actions ſmall and great to that end, they reſolved vpon a courſe, vpon which Monteith wes alſo my new pretended friend, which afterward proved very hurtfull to the King, and procured to me my wiſhed ends againſt there will.

At

At Court Morton, Roxburgh, and the Secretary, made vp a faction and agreement, wherein the Earle of Monteith and the Chancelier were compryſed, whereby they who had wont to croſſe other, ſhould now ſerve others turnes, and monopolize to them ſelves the Kings favour to his and his Subjects heavy detriment, no body being then to oppoſe there proceedings but my ſelfe, for Nithiſdale wes diſcarded after the death of my Lord of Buckinghame, whoſe near Couſen he had married, be meanes of his Religion, (averſe from that profeſt by the State) and the greatnes of his debt. Therefore they thought it now more neceſſary that I ſhould be removed then before, whom they thought to be of ſuch invincible integrity as they were never able to make me comply with them in there intended courſes. This plot being rype Monteith wes ſent for be the Secretary, but he had before ſo much imployed his friends in cautionry, as now they began to faile him, neither wes his owne name of any credite with moneyed men, having no other meanes he intreated me to take vp 6000 marks for him; which I did in my owne name and tooke his band of repayment. He went to his journey and promiſed, that

if

if he tooke any courſe with them, I ſhould be compryſed within the agreement (adding many oathes, whereof he wes never ſparing) whereof I wes moſt vnwilling, as being contrare to my ends, who lay in wait for a fair occaſion to leave the place, yet ſeemed to be well content to make proofe of him. When he came to Court, the firſt article of agreement wes proponed, that be all meanes I ſhould be removed, which he vndertooke I ſhould leave to Traquare vpon moſt eaſy termes (for Bailyes noſe wes out of joynt, my Lord of Mar being no more Theſaurer) which they thought faiſable in reſpect of the new friendſhip betwixt vs, to effectuate which, and thereby to endeare himſelfe to the new faction, he told the King that I wes deſyrous to give over the Office; and (I beleive) to the King alſo (for to all the Court he did) that he had commiſſion and power from me to that effect, which wes moſt falſe. To the which the King gave way, as being my owne deſyre, and then wes moved to make a promiſe of it to Traquare by this new faction, of which he wes one. And Monteith coming to Scotland a letter wes purchaſed from the King after the vſuall obſcure ſtyle, whereby he would

have made me believe, that it wes the Kings pleaſure that I ſhould give way to Traquare, and to that purpoſe that I ſhould tranſact with Monteith, although the letter in my vnderſtanding contained no ſuch mater, but wes his Ma: anſwere to a ſute of myne, wherein his Ma: wrote that he had imparted his pleaſure concerning my deſyre to the Earle of Monteith. This letter wes kept vp long of purpoſe, till the new Theſaurer Mortoun ſhould come home, who wes vpon his journey; but Monteith would have had me take his word vpon it. But I, deſyring nothing more (although I pretended the contrare) then that the King would have expreſt his deſyre to be that I ſhould leave the place (for then with honour, profit, and the Kings good opinion, I might treate with them) made Monteith this anſwere, that the letter contained no ſuch thing as he gave out, and that I would not treat with him, nor no man elſe, till from his Ma: owne mouth his pleaſure were delivered to me to that effect. At this anſwere he wes extremely moved, and being immoderately earneſt with me afterwards, and not-theles, not being able to effectuate any thing, whereof he had made ſo large promiſes to them at Court,

gave

gave them advertiſement, and they delt earneſtly with the King; for this combination had now vndertaken the whole governement heire vnder the King, and great hopes gevin, and great promiſes made of excellent ſervice, only they told the King, that his ſervice would be ſtill hindred be my oppoſition, and at laſt wonne him to thinke it expedient that I ſhould remove.

About this tyme the Theſaurer Mortoune came from Court, and finding that I wes not to be dealt with, the Chancelier, Monteith, and he, to make me loath the ſervice (which in my ſecreteſt thoughts I did long agoe) vndertooke a buſſines no way honorable for them, and heirafter might prove dangerous, if any of them ſhould happen to fall from the Kings favour. There wes after the death of King James, a Commiſſion of Exchequer ſent downe by his Ma: now raigning vnder his hand, (for be the death of his father all former Commiſſions expyred) and left vndated, to theſe who were of the former. the manner of w^ch^ commiſſion is this. The King ſigneth a Commiſſion in paper, which thereafter is ingroſſed in parchment, tranſlated in latine, and the Kings great ſeale append-

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ed to it, and the paper vnder the Kings hand is kept for a warrand to the great Seale. this Commiſſion in paper vnder the Kings hand being ſent downe, and being defective, or at the leaſt the Kings Advocate would have it to ſeeme ſo, becauſe it wes not drawne vp be him, wes not paſt the ſeales, but kept by him, the Chancelier, or Secretary, and another ſent vp of the Advocats penning, which being ſent downe againe ſigned be the King, wes paſt the ſeales, which wes the warrand of all the Exchequers proceedings ſix yeares after. This old vnpaſt ſignature of Commiſſion they tooke, and where theſe words [Theſaurer] or [Theſaurer deput] occurred, (as they did very often through the body of the ſignature) they made Mr William Chamber, in a Chamber of Holyrudhous, put a marke betwixt Theſaurer and Theſaurer Deput before *or*, and in the margine write theſe words, in his abſence, ſo that it wes to be read, Theſaurer, or in his abſence Theſaurer Deput, and the word in the margine about fyve or ſix ſeverall tymes ſubſcrybed be Mortoun and Monteith. Beſyde they inſert the date, Whyte-Hall. 28 of June, 1630, with new black inke, where all the reſt wes worne whytiſh, and it wes

wes torne in the foldings, which oculare inſpection bewrayed the antiquity and falſhood of the ſame. So by this Commiſſion I wes to doe nothing (direct contrare to my patent, and the purpoſe of the inſtitution of that office) the Theſaurer being preſent. About twelfe-a-clock I got intelligence, that there wes a new Commiſſion brought downe be Theſaurer Mortoune, and wes at the ſeales. I preſently went to the Director of the Chancery his chamber, who ſhew it to me, and ſaid he merveiled much how the Chancelier durſt append the great ſeale vpon ſuch a warrand. I viewed it as well as I could in ſo ſhort ſpace. At two of the clock thereafter the Exchequer conveened, where before the Chancelier lay this ſignature of commiſſion, and the double in parchment in latine, with the great ſeale thereat, together with two letters of the Kings. We being all ſet, the Chancelier gave the ſignature in paper to the Clerke to be red, and the double in latine with the ſeale in parchment to the Kings Advocat to be collationed: the Clark had much adoe to read it, it wes ſo worne, being now made vſe of ſix yeares after it wes ſigned be the King. But I ſeeing two of the Kings letters vnbroken vp

took no exceptions at the ſignature, ſuſpecting that they did containe ſomething to ſupply the defects and informality of the ſignature, till the letters were read, which contained nothing of that purpoſe. Then I roſe vp, and ſaid, my Lords, this is a ſtrange ſignature, and ſuch as I never ſaw, and wes going on, my Lord Morton interrupted me, and roſe from his place in a great anger, ſaying, the firſt day that I have honour to ſit heir, and carry this whyte ſtaffe, I muſt heare my honour called in queſtion impertinently. My Lord (ſaid I) I doe not call your honour in queſtion pertinently nor impertinently, neither is it my cuſtome towards any, although ſome men have done ſo to me. And then the Chancelier: Be God, but you have; for when I ſpoke before the Lords in Sergeant Walthews buſſines, my words were, that that buſſines wes reported to the King by men ill affected to me, except one honeſt man, Sr James Fullarton: the Chancelier would conclude againſt himſelfe and the Secretary, that I ſaid they were not honeſt by conſequence, which gave him occaſion to anſwere me ſo bruſkly at this tyme. But (ſaid I) my Lord give me leave to anſwere my Lord Mortoun firſt, and then you,

you, when you pleaſe. And turning my ſelfe toward Mortoun I ſaid: My Lord, your |Lp| is very hote with me, but be aſſured there is nothing done amiſſe, which concernes either the Kings ſervice, or me in my particulare that I will ſtand in aw of any man to queſtion. then (ſaid he) this wes done be the Kings direction, and we will anſwere it. then (ſaid Monteith) My Lord Napier, you are ſo paſſionate in your owne particulare, as you will not forbeare to queſtion what the King commanded, for his Ma: ſtood by till it wes done, and we will anſwere it. Then (ſaid I) if it had beene the Kings direction, why would you not beſtow vpon him a clean ſheet of paper, and ingroſt theſe marginall notes of yours in the body of the ſignature, rather then made vſe of this old torne thing, then neided not the ſignature with the Kings hand at it, receave validity from yours vpon the margine. But he that never wes aſhamed to doe or ſay any thing, ſtill affirmed that his Ma: ſtood by till he ſaw them ſubſcribe, and that it wes his direction. My Lord (ſaid I) I marvell that you are not aſhamed to ſay ſo; let the Lords look the date with a blacker ink then the reſt, at Whyt-hall the 28

of

of June, 1630, then you were there you ſay with the King, your |Lp| hes ridden faſt, for you were heire and preſided in counſell the 29 of June 1630, to verify which I deſyre, that the Clark of counſells book of Sederunt may be produced, and, my Lord Mortoun, your |Lp| ſet out of London before him. Monteith being convinced of a manifeſt vntruth in preſence of all the Lords, wes ſo confounded and ſurpryſed with it, as he made me this anſwere nothing to the purpoſe; my Lord, I brought not the ſignature home. All this while the Lords were ſilent, hung downe there heads, and were aſhamed on there behalfe, and even the Chancelier himſelfe ſate mute, when the ſignatures came to be compounded, my Lord Mortoun vſed me kyndly and familiarly, aſked my opinion concerning the compoſition and nature of the ſignatures, ſo that it wes be all clearly perceaved that he repented himſelfe; and wes aſhamed of the buſſines, wherevnto, be all appearance, he wes induced be the other two; for in his owne nature he is noble and generous. I aſked the Lords if I ſhould ſubſcribe the ſignatures (of purpoſe to ſet before there eyes the inconvenience of this ſtained commiſſion) for

for the Lord Theſaurer is preſent; and be this fyne commiſſion I am only to ſerve in his abſence. then, ſaid the Chancelier, you ought to ſubſcribe with the reſt. At this tyme there wes a warrant preſented of 5000 pounds Sterling to my Lord Mortoun: then (ſaid I) my Lords, what ſhall be done with this, my Lord Mortoune cannot ſet to his hand to his owne buſſines, and I cannot, becauſe he is preſent, and without one of our hands it is not receavable in chequer: to which I had no anſwere. But (ſaid I) if my hand can ſerve the Earle of Mortoun, he ſhall have it with all my heart, for no man will grudge at any thing the King beſtowes on him. Perceiving then that this devyce wes not like to take effect, they began themſelves to find fault with the commiſſion, as defective. Theſe paſſages being related to the King (for Kings have long eares) he diſlyked theſe proceedings as I am informed extremely: yet ſuch wes the hopes of the great ſervice this combination wes to doe, (which to this houre did nothing but to his heavy prejudice, and there owne profit) that he wes content to take no notice of it. I reſolved then to goe to Court, and ſome dayes before I went Monteith ſent vp his

man Mr Henry Drummond with a letter drawne vp be himſelfe and the Secretary, and ſent vp to the Secretaryes ſonne, who waited there in abſence of his father who wes in Scotland, the contents whereof wes to ſtay me be the way, or to command me to returne againe into Scotland, this letter wes to be ſigned by the King, and Mr Henry wes to meit me vpon the way, and to deliver it to me. I rode on my own horſes to Berwick, and purpoſed to ſend them back, and take poſt there, where the poſt-Maſter told me, having aſked who rode laſt, that Mr Hary wes gone vp poſt, and told him that he wes to ryde night and day, and wes very ſhortly to come back. Vpon which I conjectured, that he wes ſent vp to procure my ſtay or returne (as indeed he wes) vpon ſome miſinformation: and therefore to prevent there purpoſe, I changed myne, and vpon my owne horſes rode in the weſterne way, where no poſt lyeth.

The Secretaryes Sonne having preſented this letter for my ſtay for the Kings hand, his Ma: threw it away, ſaying, this man hath ſuffered enough already; and in place thereof made him wreat another to me moſt gratious and favourable,

favourable, which he ſigned. this letter wes gevin to Mr Hary Drummond to be gevin to me but he gave it to his Maſter, who then wes on his journey, with the copy thereof ſent downe be the Secretaryes Sonne, which by no meanes I could ever come to the ſight of, although I got knowledge of the tenour afterwards. How ſoone I came to Court I had ſpeech with his Ma: concerning theſe buſſines, who ſaid, that he could not but acknowledge, my good ſervice, my honeſty, and integrity, but that he wes informed that the principall Officiars and I could not agree, whereby his ſervice wes hindered; then deſyred I his Ma: to try whoſe fault it wes, theres who went about maters prejudiciall to him and the countrey, or myne who oppoſed them out of duety to God, and to him. But not daring to inſiſt further in this poynt, fearing leaſt the King ſhould have reſolved to continue me in that ſervice, which wes contrare to my deſyre, tooke the opportunity. Then Sir (ſaid I) ſince they have made your Ma: thinke that I hinder your ſervice, I will not be refractary to your Ma: deſyres; but your Ma: is a juſt King, and cannot take that place from me, but by conſent, or for a cryme: and as to

a cryme, if your Ma: be not ſatisfyed with what is paſt, I will refuſe no further tryall, how exact ſoever being juſt, and your Ma: Judge. Then the King having vſed many favorable words, acknowledging my faithfull ſervice, willed me to ſpeake with Monteith, who (he ſaid) wes my kinſman. Truely (Sir, ſaid I) he is my kinſman, but wes never my friend, and certainly he and I ſhall never agree. Then replyed the King ſmyling, he will take it for a diſgrace if he be not the doer of it: then (ſaid I) I ſhall talke with him. Then did I take James Livingſtone, and Maſter Sandelands with me, for, I would ſpeake nothing to him without witneſſe. I told him that the King willed me to ſpeake with him concerning my place, that I had ſerved the King and his father long and faithfully, that the office wes gevin me as a reward of my ſervice: but before I would enter in any termes of compoſition, there were ſomethings which concerned me in honour, which were to be granted too, which I preferre before my profit: as, firſt, that theſe diſavowed Articles of accuſation regiſtrate be the Chancelier without warrand ſhould be cancelled, or my anſweres thereto regiſtrate beſyde them.

Secondly,

Secondly, that I ſhould have ane approbation of my ſervice, and ane exoneration of all my intromiſſions vnder the great Seale of Scotland. Thirdly, that Archibald Campbell my Friend, and Mr Robert Napier, my brother, who ſuffred with me ſhould be payed of there arearages. Monteith thought theſe things were reaſonable, but excepted againſt Archibald Campbell, who (he ſaid) wes neither his, nor my friend. I replyed, that I had good proofe of his friendſhip to me vpon all occaſions, and that I perfectly knew that he wes, and did oft expreſſe him ſelfe a reall friend to him, to whom he wes alſo neare Couſigne. He promiſed me with many aſſeverations and oathes his aſſiſtance, and that he would indevour to procure the compoſition to be in a large meaſure. But I could never truſt him, who had neither truth in his words, nor conſtancy in his actions. And in this he wes ſo farre from performance, as he with the Secretary laboured be all meanes to make me a naughty compoſition, or none at all, for what ever I got they were ſure to have no part of it. I ſtill held my compoſition at 6000 pounds ſterling, becauſe I ſaw no reall dealing vpon Monteiths part, but a beating

of the pryce low, although I would have beene content of farre les.

In the meane tyme Traquare did follow Monteith and the Secretary, who promiſed to him to procure a good part of the compoſition from the King. And he, for feare that they would have ſuſpected him to go another way then be them, durſt never ſpeake with me. And indeed they moved the King to promiſe 2000 pounds ſterling toward that compoſition, knowing well that Traquare wes not able to give out the reſt, and hoping that I would not accept of much leſſe. But after this promiſe of the Kings they begane to feare that agreement might follow (for as yet they hated Traquare, who before this combination wes of the contrary faction) and being loath that he ſhould have a place of ſuch power alone, although they were vrged to doe for him by the reſt, and as loath that I ſhould have a good compoſition, whereof they were to have no part, they perſuaded the King to a courſe to both our prejudices to joyne him to me as colleg in office, pretending, that ſo the King ſhould performe his promiſe to Traquare to make him Theſaurer Deput, ſave 2000 pounds ſterling,

ſterling, and be better ſerved. But firſt they advyſed the King to call me and put in my choyce, to accept two thouſand pounds compoſition, or a Colleg, aſſuring themſelves that I would accept the one, and ſo could not complaine of wrong, ſince it wes my owne choyce. The King having called me, becauſe (ſaid he) you are ſo high in your demands, I give you this choyce. Sr (ſaid I) it is not my part to chooſe, and if it were I would never chooſe any of theſe two, the one prejudiciall to my honor, the other to my profit: but obedience is my part, which I will performe, but will pray your Ma: to pardon me if I doe not give my conſent to my owne hurt. Then (ſaid the King) I will joyne Traquare with you as Colleg. Your Ma: (ſaid I) may doe what you pleaſe; and if you joyne twenty Collegs to me, I will ſerve juſt as I did before, when my owne conſcience wes my colleg: but if your Ma: doe ſo, I hope your Ma: will reſerve to me my fees, penſion, and exerciſe of my place; which he ſaid wes reaſonable. Traquare afterward wes made Theſaurer Deput with me without fee or penſion, of which he wes glad, or ſeemed ſo, and tooke a kiſſe of the Kings hand vpon it.

Monteith

Monteith and the Secretary did exceedingly pleaſe themſelves with this devyce, and did every where proclame it, arrogating ſo much to there owne judgement and dexterity as wes hatefull to every wyſe man. And indeed they were in nature not vnlyke in this, that no living man wes ever more vain-glorious then they both, but different in expreſſing of that humor: for the Secretary wes a groſſe and doun-right flatterer of himſelfe, and drew all diſcourſes from there proper ſubject to his owne praiſe. Monteith did the ſame, but (as he thought) more ſubtily, but indeed ſo ridiculouſly as gave mater of mirth to all thoſe to whom it wes related. But to the purpoſe. Traquare conſidering a litle better of the inconvenience of his Collegſhip, and finding it diſgracefull to him to thruſt himſelfe vpon anothers place without fee or penſion, and to ſerve for nought repented himſelfe, and deſyred the Marquis of Hammilton and Will-Murray of the bed-chamber to move the King for the 2000 pounds promiſed, and that he would ſatisfy me for the reſt. But the King who wes vrged and preſſed to this change, tend to the promiſe of money thought himſelfe well rid, and be no meanes would grant one penny,

ny, ſaying he had gevin Traquare ſatisfaction. This acceptation of collegſhip (which I never dreamed would have beene done by any man of ſpirit, or ordinary worth) gave occaſion of ſome hard ſpeeches betwixt Traquare and me, whereby he conjectured that this joynt ſervice would not prove very peaceable. but this being all he could get, went diſcontented home. And I ſtayed after him vpon ſome other occaſion till my Lord Mortoune came vp, who did aſk for me, and I came to his lodging, where after many proteſtations that he did never any thing to my prejudice, and never allowed the courſes held againſt me, aſked me, what I intended to doe concerning my place. To ſerve in it (ſaid I) ſo long as I live, if I get not competent ſatisfaction. But (ſaid he) you ſeek too much. I would have taken leſſe (ſaid I) if there had beene any reall or honeſt dealing in theſe men, who abuſed Traquare and me too. I will then (ſaid he) ſpeake with the King, and thereafter you and I ſhall meet. My Lord repreſented to the King the prejudice his ſervice wes like to ſuſtaine by our conteſtation, and perchance the peace of the countrey, being both men of good friendſhip, moved him to give

not only the 2000 pounds, but the whole compoſition. Thereafter we met, and the conditions I requyred were, firſt, that the Articles of accuſation ſhould be razed out of the regiſter, or my Anſweres regiſtrat beſyde them. Secondly, that my brother, and Archibald Campbell ſhould be payed. Thirdly that my arrears due to me ſhould be payed amounting to twenty ſix thouſand, ſix hundreth, and ſixteine pounds Scots, or ſufficient ſecurity to be payed at Whitſonday next, and for my place, and a penſion bought from Walter Stuart, by the Kings allowance, of two hundreth pounds ſterling, redeemable for fyve hundreth pounds ſterling, the ſowme of four thouſand fyve hundreth pounds ſterling. Fourthly, that I ſhould have a Quietus eſt, vnder the great Seale of Scotland. Fiftly that for my owne penſion, I ſhould be aſſigned to ſome locall duetyes of the Kings. And laſtly that the King ſhould promiſe to me his favour in any reaſonable ſute that ſhould come to my hands. All theſe conditions he aſſented to; only he aſſured Sr William Balfour and Mr Sandelands, who dealt betwixt vs, that no more could be had for the place and Walter Stuarts penſion, but 4000 pounds

pounds ſterling, and my owne penſion could not be aſſigned, becauſe aſſignations were lately prohibited, but promiſed that myne ſhould be as well payed as his owne. I reſolved to embrace theſe conditions, and the rather becauſe I vnderſtood of a grant made be the King to the Marquis of Hammilton of the impoſt of the wynes for ſixteene yeares, which would rander the ſervice difficult, which grant wes not yet knowne to Mortoune. Yet not the les (for I had learned to deale ſomewhat circumſpectly) I had made that ſame very night Sr William Balfour tell Mortoun, that vnles I got 4500 pounds ſterling beſyde my areares, I would not deale at all. But my Lord Mortoun aſſured him that he could get no more but 4000 pounds ſterling, beſyde my areares. Vpon the morrow (to engage Mortoune the more for my reſpect to him) I deſyred Mr Sandelands to tell him from me, that I wes fully reſolved never to have taken leſſe then 4500 pounds ſterling, but in reſpect of his faire and noble dealing (as indeed it wes) I wes loath he ſhould loſe his labour, and would yeeld to his deſyre, and quyte 500 pounds ſterling only for him, which no other man ſhould ever have beene able to move

me

me to doe: which he took in very good part. Then Sr William, Mr Sandelands, and I, came to his chamber, where in word we agreed to all the former conditions, but theſe, before excepted. And for the money I had Mortoun and Traquares bands with ſufficient Cautioners, bearing infeftment of lands, and annuelrent from Witſonday 1630. And I depoſited a Surrender of my place and penſion in Mr Sandelands hand till the ſecurityes were perfyted. Then my Lord deſyred that we ſhould both goe to the King, and tell him that we were agreed, wch wee did. I craved pardon of his Ma: that I wes ſo long in giving him ſatisfaction, (for I did ſtill put it vpon him, and that I would never part with that place but to pleaſe him) the reaſon, Sir, (ſaid I in my Lord Mortouns hearing) wes, never man before dealt really or honeſtly with me, but My Lord Mortoun now. then (ſaid my Lord) the Lord Napier hath done this only for your pleaſure, and therefore I hope your Ma: will be favourable to him vpon his occaſions. that is the leaſt I can doe, (ſaid the King), but I, deſyring ane anſwere more ſpeciall, ſaid, Sir, I hope your Ma: when I ſhall be a Suter for any reaſonable benefit, which

which your Ma: and your Officiars ſhall find not very prejudiciall to you, that you will grant it to me. then (ſaid the King) indeed I will. Vpon which I took a kiſſe of his hand, and deſyred my Lord Mortoun to beare witnes, not ſo much out of hope of benefit in theſe penurious tymes, as to let the world know that I wes ſtill in his favour, notwithſtanding all my enemies plotts and policyes. Theſe things being thus concluded, Traquare came vp for that purpoſe but pretended other buſſines, and made ſome queſtion vpon the heades of our agreement, and ſaid that he had no great deſyre of the place, becaus the impoſt of the wynes wes taken from it, till within two or three dayes before his parting, then wes I ſought for with great diligence, all the ſureties perfyted, and my Surrender given vp be Mr Sandelands.

This preceeding Relation being written in haſte, and imperfect (many paſſages being omitted for brevityes ſake, which might have ſhowne the iniquity of theſe tymes) is nevertheles moſt true, and thereby the Judicious may perceave the former ſetled maner of governement, ſhaken by

frequent innovations intertained and practiſed, factions in Court and State a-foot, accuſations, calumnies, and aſperſions ordinary; and wch wes worſe, (finding there owne prejudice that way) combinations; and hopes gevin thereby of great ſervice to the King without any performance, but be the contrare his Ma: juſt and gratious inclination abuſed by miſinformations, his eares blocked vp and ſo ſtraitly beleagered, as truth could not approach them, and all for there owne profit, and prejudice of the King and State, the preſence of honeſt men who could not comply with them in there oblique courſes ſo hatefull, as they could not endure it, and ſo bold in conſideration of the ſtrength of there leagues, as they did not ſtick to falſify the Kings hand, ſurreptitiouſly to ſteale his Ma: ſuperſcriptions, and to frame letters contrary to his meaning, and many other things of this kynd. The innocent and juſt perſecuted for no other cauſe but for his faithfull ſervice; abandoned by all his powerfull Friends; his cauſe vndertaken by almighty God then when all humane helpe wes gone; his Enemies diſapoynted ſo farre, as all there plots, practiſes, and endeavours, tending to the ruine of

his

his fortunes and reputation, did work the increaſe of both; himſelfe taken as a brand out of the fyre, conſidering the quality of ſucceeding tymes. And further, all that Combination wes ſenſibly puniſhed within the compas of three yeares: ſome whereof were taken away with vntymely death, others of inferiour rank damnifyed be the change of Officiars, and paying great ſowmes: the greater ſort overthrowne, and there houſes ruined: ſome caſten out of the Kings favour through there owne fault: others diſapoynted of there hopes where on they had grounded there flouriſhing eſtate: moſt part deceaſed: and thoſe who yet remaine farre on in the way to ruine. One only yet remaines in the Kings favour for our ſinnes, but all his gettings (which are very great) are put in a bottomles purſe, and out of doubt his puniſhment abydes him, if he doe not repent: ſo that I may ſay, almighty God hath made his word good pronounced in the 37 pſalme in this particular. Now, whoever thou beeſt either of my poſterity or others to whoſe hands theſe preſents ſhall happen to come, aſſure thy ſelfe, if thy courſes be wicked, thy endeavours ſhall prove vaine, thy wiſdom folly, thy hopes,

never

never ſo ſurely grounded vpon the ſtrength and counſells of thy wicked aſſociats, ſhall be diſapoynted by him who hath the events in his hand. But if thou feare God, and truſt in him, and frame the courſe of thy lyfe according to juſtice, thow ſhall never want the aſſiſtance of a powerfull and mercifull God: for although ſtormes aryſe, and perſecutions rage, yet all ſhall prove for the beſt to him that feareth God; to whom be all praiſe, honour, and glory, for ever and ever.

FINIS.